



Security Council

Seventieth year

Provisional

7455th meeting

 Wednesday, 3 June 2015, 3 p.m.
 New York

President: Mr. Ibrahim/Mrs. Adnin (Malaysia)

Members:

Angola	Mr. Lucas
Chad	Mrs. Alingue
Chile	Mr. Barros Melet
China	Mr. Li Yongsheng
France	Mr. Stehelin
Jordan	Mr. Omaish
Lithuania	Ms. Murmokaite
New Zealand	Mr. Van Bohemen
Nigeria	Mr. Laro
Russian Federation	Mr. Zagaynov
Spain	Mr. Oyarzun Marchesi
United Kingdom of Great Britain and Northern Ireland ...	Ms. Mulvein
United States of America	Mr. Pressman
Venezuela (Bolivarian Republic of)	Mr. Suárez Moreno

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

Letter dated 15 May 2015 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council (S/2015/340)

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Letter dated 15 May 2015 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2015/341)

Letter dated 15 May 2015 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council (S/2015/342)

The meeting was called to order at 3.05 p.m.

Expression of thanks to the outgoing President

The President: As this is the first public meeting of the Council for the month of June, I should like to take this opportunity to pay tribute, on behalf of the Council, to Her Excellency Ms. Raimonda Murmokaitė, Permanent Representative of Lithuania, for her service as President of the Council for the month of May. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Murmokaitė and her delegation for the great diplomatic skill with which they conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

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Letter dated 15 May 2015 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia, since 1991, addressed to the President of the Security Council (S/2014/342)

The President: In accordance with 37 of the Council's provisional rules of procedure, I invite the

representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia and President of the International Residual Mechanism for Criminal Tribunals; Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda; Mr. Serge Brammertz, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia; and Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda and Prosecutor of the International Residual Mechanism for Criminal Tribunals.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to documents S/2015/340 and S/2015/342, respectively containing letters dated 15 May 2015 from the President of the International Criminal Tribunal for the Former Yugoslavia and the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council.

I also wish to draw the attention of Council members to document S/2015/341, which contains a letter dated 15 May 2015 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council.

I now give the floor to Judge Meron.

Judge Meron: I am grateful for this opportunity to appear before the Council to report on the work of the International Tribunal for the Former Yugoslavia (ICTY) and the Mechanism for International Criminal Tribunals. My remarks supplement the written reports that the ICTY and the Mechanism recently submitted (S/2015/342 and S/2015/341, respectively), and I hope they will serve to further elucidate both the successes and challenges these institutions have faced over the past half year.

However, before turning to these points, I would like to congratulate Malaysia on its assumption of the presidency of the Security Council. I also wish to underscore my gratitude to the Security Council's Informal Working Group on International Tribunals, and especially to Chile for its role in leading the Group. Last, but certainly not least, I am grateful for the crucial

assistance provided to the ICTY and the Mechanism by the Office of Legal Affairs. The Legal Counsel, Mr. Miguel de Serpa Soares, is an outstanding leader in the cause of international justice; he is ably supported by the Assistant Secretary-General for Legal Affairs, Mr. Stephen Mathias.

I first turn to the ICTY. The Tribunal has faced a number of challenges that, to my great regret, have caused delays in cases. The specific lengths and causes of these delays are outlined in the completion strategy report submitted in May (S/2015/340, enclosure). Certain of these changes to previous forecasts are caused by factors outside our control, such as the health of accused individuals and the discovery of new evidence. In particular, the trial of Mr. Goran Hadžić has been temporarily adjourned for reasons relating to his health. In addition, the trial of Mr. Ratko Mladić has been reduced to four sitting-days a week, following medical advice, and the Prosecution case in that trial has been reopened following the discovery of new evidence. Finally, I note that Mr. Vojislav Šešelj's health continues to be of great concern to the Tribunal.

Adverse health developments concerning accused persons and the discovery of new evidence are, by their nature, factors that are very difficult to predict or, when they arise, to ignore. I can assure members of the Council, however, that the Judges sitting on the benches in the affected cases make every effort to limit delays linked to these factors, while ensuring that the Tribunal meets its obligation to provide detainees with appropriate medical care and allow relevant evidence to be presented in court.

Perhaps the most widespread cause of delays in particular cases is, however, staff attrition, particularly among mid-level and senior-level members of the legal drafting teams assigned to support the work of the Judges. As those Council members who have followed our reports over the past years are no doubt aware, the Tribunal has long warned of the problems that such attrition can cause. We have taken all steps we were permitted in order to address this problem, including obtaining waivers to particular staff rules and undertaking initiatives to improve staff morale.

These efforts have been effective up to a point, but they have not been enough. In the last reporting period, a number of mid-level and senior-level staff members with extensive case-specific experience have accepted positions at other institutions able to guarantee longer-term employment. The Tribunal acted swiftly to

replace them as soon as possible, but inevitably new staff members are not able to immediately match the extensive case-specific knowledge of those who depart after spending years immersed in the evidentiary context and procedural history of individual cases.

In conjunction with the Council's Working Group and the Office of Human Resources Management, the Tribunal continues to examine all steps we are able to take in order to curtail attrition in these critically important final years of the Tribunal's life. On a personal level, from the moment I realized the potential for delays in cases, I have led efforts to identify problems and potential means of resolving them or minimizing their impact. In particular, I insisted that the Registrar provide key drafting teams with all possible resources; for example, in the *Prlić* appeal, which is forecast to be completed in the latter part of 2017, I doubled the membership of the drafting team.

I very much regret the fact that I am not in a position to provide only positive news today. As the President of the Tribunal, I accept full responsibility for these delays. I urge the Council, however, to consider the delays I have just discussed in their broader context. Of course, it is absolutely clear that the Tribunal must continue and redouble its efforts to adopt strategies that reduce any delays in ongoing cases to a minimum; this obligation implicates both the rights of defendants and the resources of the international community. I can assure members that the Judges and staff are working diligently to complete judicial work as rapidly as possible, while maintaining our commitment to procedurally just trials and appeals.

At the same time, however, considered through broader lenses, the Tribunal continues to make significant progress. During the reporting period, the ICTY rendered two major appeal judgements in the large, multi-accused *Popović et al.* case, and in the complex *Tolimir* case. By the end of this year, the forecasts provided by presiding Judges indicate that the ICTY will have completed its work on all but two trials and two appeals. While various cases have suffered delays, these can each be counted as a matter of months, and the last cases are still expected to be completed in 2017, as predicted in the ICTY's previous forecasts.

Even more significantly, the Tribunal's contributions to ending impunity for international crimes continue to serve as a momentous symbol of the international community's commitment to rendering justice for crimes committed in the Yugoslav wars, and to the

laudable aim of preventing grave crimes like those that hang so heavily over any historical account of the past century from being committed again.

I will soon be travelling to the former Yugoslavia to join commemorations of atrocities committed in Srebrenica and elsewhere. I recognize that the work of the ICTY can only ever offer a small measure of solace to the individuals and broader communities most affected by these heinous acts. But even as all acknowledge the limitations of international criminal tribunals, we must also appreciate the ground-breaking nature of courts like the ICTY. The fact that the ICTY has accounted for every single individual it has indicted is a testament to the power of the rule of law. Indeed, I am convinced that the international community's increasing condemnation of grave breaches, as expressed through the establishment and ongoing support of international criminal tribunals, has had a material impact on the conduct of war everywhere and — it is my sincere hope — reduced the suffering of those affected by conflict. When the history of the ICTY is written, it is this legacy, not limited delays in projected delivery dates, that will be remembered and, I believe, celebrated.

I will now turn to the Mechanism. I am very pleased to confirm that, as set out in its May progress report, the Mechanism continues to serve as an example of best practices, completing its judicial and administrative work to a high standard and in an efficient manner. In these efforts, the Mechanism has been fortunate to receive excellent cooperation from the International Criminal Tribunal for Rwanda (ICTR) and the ICTY, as it increasingly assumes responsibility for functions once carried out by these Tribunals.

With respect to judicial work, I can report that in December I presided over the panel that rendered the *Ngirabatware* appeal judgement. This was the first judgement of the Mechanism and was delivered with no delays to the ambitious schedule previously reported to the Security Council. The Mechanism's judges have also issued a number of decisions and orders on motions addressing a variety of issues, including matters related to enforcement of sentences, variation of confidentiality measures, requests for review of judgements and cooperation with national jurisdictions. I have every expectation that the Mechanism's judges and small supporting legal team in Chambers will continue to efficiently process ongoing judicial work. In addition, the Chambers of the Mechanism have established

rosters and procedures that will allow us to adjudicate upcoming trial and appeal work both efficiently and in a manner that respects the highest procedural safeguards.

In addition to addressing ongoing work, the judges of the Mechanism adopted a code of judicial conduct last month. This code sets out core principles that will guide Mechanism judges on such issues as independence, integrity, confidentiality and outside activities. Adoption of the code is a reflection of the Mechanism judges' commitment to the highest ethical standards.

The Mechanism has also been making great progress in assuming responsibility for other ICTR and ICTY functions. Most notably, the Mechanism has made steady progress in creating a small, self-standing administrative capacity in the light of the ICTR's imminent closure and the ICTY's continued efforts to transfer responsibilities. These efforts are complemented by the signing of a host State agreement with the Netherlands and the continued implementation of the parallel agreement concluded earlier with Tanzania. Both these countries and Rwanda have offered important assistance to Mechanism offices based in their respective territories.

In addition, the Mechanism has made significant progress in a number of other areas. Construction of our new Arusha building is continuing and on schedule, with our move there planned for next year. Our archives section is assuming responsibility for an increasing percentage of the ICTR's and ICTY's materials, and our monitoring of cases referred to national jurisdictions was recently strengthened when the Kenya branch of the International Commission of Jurists assumed responsibility for monitoring cases referred to Rwanda.

As I have stated before, two key challenges continue to face the Mechanism. The first involves the outstanding arrest warrants for the remaining ICTR indictees who have yet to be apprehended, including three who are expected to be tried by the Mechanism. The fact that the ICTY was able to account for all its indictees is a powerful symbol of the international community's determination to end impunity. It is imperative that all members of the international community continue and indeed increase their efforts to apprehend the remaining ICTR fugitives. The Council's leadership in this regard remains essential.

The second challenge facing the Mechanism is posed by persons acquitted by the ICTR or who have

completed the sentences imposed by the Tribunal. The Mechanism assumed responsibility for outstanding relocation issues on 1 January 2015. We have adopted a strategic plan that sets out ways to address the challenges posed by the issues of relocation in relation to this group of individuals. Our planning focuses on concrete steps that can promote resettlement and also reduce costs to the international community, in keeping with the Mechanism's commitment to efficiency and cost savings. However, we continue to rely on the good efforts of the international community to provide appropriate opportunities for relocation. As I have stated before, it is a fundamental responsibility and a humanitarian imperative to resettle the small number of individuals who have been acquitted by the ICTR or completed the sentences imposed on them. Once again, the continued leadership of the Council on this issue is very important.

I cannot conclude my report on the Mechanism without underscoring again the gratitude of its judges and staff for the enormous support we have received from the ICTR, the ICTY, the Office of Legal Affairs and other United Nations agencies, as well as from national Governments. As we rise to the challenge of serving as an example of best practices in international criminal justice, we recognize that our efforts are successful only because of this continuing support.

As always, my report today contains descriptions of both progress and challenges. It is perhaps inevitable that institutions with mandates as audacious as those of the international criminal tribunals will never be able to comprehensively meet all the high aspirations of our many stakeholders. But I can assure the Security Council that the judges and staff of the ICTY and the Mechanism strive every day to make progress on the inspiring mission we have been assigned. Together with our partners from all over the globe, the ICTY and the Mechanism are committed to continuing the fight to end impunity and, through our work, to supporting the strengthening of the rule of law at the international level and around the world.

The President: I thank Judge Meron for his briefing.

I now give the floor to Judge Joensen.

Judge Joensen: I would like to begin by extending my congratulations to the representative of Malaysia, His Excellency Ramlan Bin Ibrahim, whose country's delegation is presiding over the Security Council

in June. I also seize this opportunity to welcome the representatives of Angola, Malaysia, New Zealand, Spain and Venezuela, which have joined the Council since my last briefing in December 2014 (see S/PV.7332). I wish them all the best for a successful term of duty. On behalf of the International Criminal Tribunal for Rwanda (ICTR), I would also like to express the gratitude of the entire Tribunal to all of the Governments of the Council for the support they have provided as we approach the completion of our mandate and closure of the Tribunal.

Please allow me to once again express my sincere appreciation to the United Nations Legal Counsel, Mr. Miguel de Serpa Soares; the Assistant Secretary-General for Legal Affairs, Mr. Stephen Mathias; and the staff of the Office of the Legal Counsel for the continued support they provide as a liaison between the Tribunal and the Security Council.

It remains an immense honour for me to provide the members of the Security Council with an update on the progress towards the completion of our mandate, especially as it is expected that this may be my penultimate briefing before the Council.

First, I will provide an update on the progress of the judicial work. I am happy to report that the Appeals Chamber has now completed its work with respect to all appeals from Tribunal trial judgements, with the exception of one case, the *Nyiramasuhuko et al. (Butare)* case concerning six persons.

Following the oral hearings that took place in April, the *Butare* case is now in its final stage, judgement drafting. As previously reported, the scope and complexity of the appeals in the *Butare* case combined with the continued departures of experienced staff and the need to rule on voluminous pre-appeal litigation prior to the oral hearings has plagued the appeals team and caused considerable strain on their workload. Nonetheless, the delivery of the *Butare* appeal judgement remains projected for later this year, and more precisely, we expect the judgement to be delivered in the fourth quarter of 2015. The formal closure of the Tribunal is still expected to occur before the end of 2015, following the rendering of the judgement. I commend the judges and all of their support staff for the tremendous work that they continue to do to ensure that the extremely large and complex *Butare* appeal is completed as projected.

I would also like to note that in December 2014, in light of the projected time line for the completion of the *Butare* appeal and considering the current Judges' involvement in cases before the International Criminal Tribunal for the former Yugoslavia, I requested that the Secretary-General convey my request for the extension of the terms of office of the ICTR Judges to the Council. On behalf of the Tribunal and my fellow Judges, please allow me to express our gratitude for the support shown by Member States in resolution 2194 (2014), which granted the requested extensions.

Considering the significant work that the Appeals Chamber continues to undertake and bearing in mind their commitment to finalizing our sole remaining appeals case without delay, I feel that it is important for me and for the Council to acknowledge the dedication and commitment demonstrated by all the Judges and staff of the Tribunal in The Hague and in Arusha, who work under extremely tight deadlines to ensure that we meet our completion strategy goals. I would also like to commend President Meron for his leadership of the ICTR Appeals Chamber and to thank him for the assistance he provides with respect to the transition of functions to the International Residual Mechanism for Criminal Tribunals and to me in my role as Duty Judge of the Arusha branch of the Mechanism. It is also important to recognize the work of Prosecutor Jallow and Registrars Mr. Majola and Mr. Hocking as well as the work of their respective Offices, all of which have been instrumental in our progress towards completion and the transition to the Mechanism.

As I have done in the past, I would now like to briefly update the Council on the issue of reparations for victims. As previously reported to the Council, the International Organization for Migration has completed and submitted a draft assessment study to the Government of Rwanda on the issue of reparations and possible ways forward. Once the report is finalized, which should occur in the coming months, it shall be transmitted to relevant stakeholders and follow-up activities will be planned. I should like to take this opportunity to renew my praise for the efforts being undertaken to ensure that the project continues to move forward.

I now return to the very troubling issue of relocating those persons who were acquitted or convicted and released who are still residing in Arusha. The issue of relocation remains a daunting one, and the challenges that the ICTR have faced with relocating these persons,

some of whom have been residing in a United Nations safe house for over a decade, have been brought to the Council's attention on numerous occasions. As the ICTR makes preparations to close its doors, it is only appropriate that it passes that important duty onto the Mechanism, which has assumed responsibility for the relocation and care of the acquitted and released persons in Arusha on 1 January. However, until its closure, the ICTR remains committed to providing any support and assistance that the Mechanism requests. In that regard, we once again call for the urgent assistance of the Security Council to find a sustainable solution to the issue.

I now turn to the subject of the transition to the Mechanism. I am proud to report that reliance by the Mechanism on the ICTR for administrative and other services has been significantly reduced, and the Mechanism continues to assume responsibilities, pursuant to resolution 1966 (2010) and in line with the transitional arrangements. The monitoring of all ICTR cases referred to national jurisdictions is now fully the responsibility of the Mechanism; however, the ICTR continues to assist the Mechanism by providing interim monitors in the French cases.

I would also like to draw the attention of the Council and the Informal Working Group on International Tribunals to several cases of contempt/false testimony before the Tribunal. In May, as part of an exhaustive review of judicial work being in transition to the Mechanism, it was determined that there were, in fact, four cases of contempt/false testimony before the Tribunal. Those indictments were confirmed prior to 1 July 2012 and, pursuant to the transitional arrangements in annex 2 of resolution 1966 (2010), remain the responsibility of the ICTR. Considering that all of the suspects remain at large and that even if the trials were to commence today, the ICTR would likely be unable to complete them prior to closure, I have assigned benches to review the indictments and ascertain whether any action is necessary prior to closure of the ICTR in order to preserve the possibility of those cases being prosecuted by the Mechanism.

With respect to the Tribunal's archives, the ICTR remains devoted to ensuring that records are prepared in a manner that will facilitate their effective management after being transferred to the Mechanism. I am pleased to report that as of 5 May, the Tribunal had transferred to the Mechanism more than 1,700 linear metres of records comprising more than 75 per cent

of physical records anticipated for transfer. Judicial records relating to the *Butare* case have been separated for transfer following the appeals judgement, while all other records have been transferred, or are scheduled for transfer, before the Tribunal closes. Despite the challenges presented by the volume and nature of the records and the downsizing of human resources, the Tribunal is hopeful that the preparation and transfer of its records will be completed on time.

As I anticipate briefing the Council as President of the ICTR only one more time after today, I would like to conclude my remarks with a word on the Tribunal's legacy. Apart from the judicial work that continues to consume most of our attention, the Tribunal has taken its impending closure as an opportunity to ensure that the lessons learned in the creation, operation and closure of an ad hoc international criminal tribunal are preserved for posterity and shared with those Courts, both international and domestic, that will succeed the ICTR.

The twentieth anniversary of the ICTR provided the Tribunal with one such opportunity as representatives from various Courts and academia travelled to Arusha, The Hague and New York in November and December 2014 to reflect on the Tribunal's impact on peace and reconciliation in Rwanda. Those events allowed for discussions on the initiatives that the ICTR has created to share developed practices with continuing judicial institutions, as well as other initiatives, such as the best practices manuals created by the Office of the Prosecutor, the aim of which is assisting other international and national courts to build on the experience of the ICTR.

Most recently, a workshop on the best practices and lessons learnt in Chambers was held at the International Criminal Court (ICC), where representatives from the Special Tribunal for Lebanon, the ICC, the ICTR, the International Tribunal for the Former Yugoslavia and the Mechanism engaged in discussions on the technical aspects of providing legal assistance to the judiciary during the pre-trial, trial and appellate phases. The workshop also facilitated discussions about what else can be done to ensure that the lessons learned in managing trials at the ICTR are not lost with its closure.

I wish to commend all of those involved in organizing those workshops, which I hope will continue, as they provide an important forum to learn from the past by examining what works, what needs improvement and how judicial institutions can continue to evolve.

It is, as always, a distinct privilege to address the Council and on behalf of the Tribunal I wish to express our gratitude for the support that the Governments of Council members continue to provide. As we make arrangements for closure, their continued assistance remains crucial to the efforts that we are making to ensure that the Tribunal closes its doors with its mandate completed and its legacy secured.

The President: I thank Judge Joensen for his briefing.

I now give the floor to Mr. Brammertz.

Mr. Brammertz: I thank you, Mr. President, for the opportunity to address the Council on the progress of the Office of the Prosecutor towards the completion of our mandate. In this reporting period, we moved closer to finalizing our work in the Tribunal's last trials and appeals. As the Council has already heard, at the end of the reporting period, four trials are ongoing. In the *Mladić* case, the defence continued to present its evidence. But as previously indicated, my Office will, later this month, briefly reopen the Prosecution case to present our recently-discovered evidence on the Tomašica mass grave. We will use nine courtroom hours to present our evidence.

In the *Hadžić* case, the trial was adjourned in October 2014 due to the accused's ill health and has not yet resumed. In the *Šešelj* and *Karadžić* cases, we continue to await the trial judgements, which are estimated to be delivered later this year. During the reporting period, appeal judgements were delivered in the *Popović et al.* and *Tolimir* cases, largely confirming the genocide and other convictions we secured at trial. Therefore only three appeal proceedings now remain. The oral hearings in *Stanišić and Simatović* and *Stanišić and Župljanin* are anticipated to be held later this year. In the *Prlić et al.* appeal we successfully completed, on schedule, our written arguments. It involved, among other tasks, reviewing, researching and responding to 168 defence grounds of appeal spanning nearly 1,000 pages.

Our team completed that immense task in less than four months by working around the clock. The Appeals Division is now fully focused on preparing for the presentation of oral arguments in the final three appeals. The countries of the former Yugoslavia continue to cooperate with my Office and respond, as required, to our requests for assistance. State cooperation in all aspects of our work remains mandatory and will continue to be closely monitored.

My Office recognizes the significant results achieved during the reporting period in regional cooperation on several high-profile cases. That regional cooperation includes joint arrest operations conducted by the authorities of Bosnia and Herzegovina and Serbia. Those developments are positive signs that national authorities are responding to the concerns we have previously expressed. We call upon national authorities to continue to tangibly demonstrate their commitment to cooperation and increased comprehensive accountability for war crimes.

Mrs. Adnin took the Chair.

At the same time, it is important to recognize that only a very limited number of the outstanding cases at the national level have been prosecuted to date. More should also be done on the most complex and highest-priority cases, particularly those involving senior- and mid-level officials. It has become clear that further progress in effective national justice requires a more strategic approach in the investigation and prosecution of war crimes.

In my previous reports I noted the need for improved management and leadership in the Office of the Prosecutor of Bosnia and Herzegovina. My Office continues to discuss outstanding challenges with the Prosecutor's Office, including the practice of breaking up comprehensive cases into separate trials. But my report also highlights the successful results by the Prosecutor's Office regarding crimes related to the Srebrenica genocide. We encourage the Prosecutor's Office to ensure that the strategic approach and effective practices of its Srebrenica team are applied in other investigations and prosecutions.

This brings me to the category II cases transferred by my Office in the period from 2008 to 2010. During my recent mission to Sarajevo, the Chief Prosecutor could report only limited progress in those cases. However, he gave strong assurances that prosecutorial decisions will be taken in all remaining cases by the end of the year. While similar commitments were made previously, we trust that they will be honoured this time.

We continue to believe that those and other challenges can be successfully addressed if there is national ownership of post-conflict justice, appropriately supported by international assistance. My Office will continue to engage directly with national authorities and encourage full responsibility for the

accountability process, while assisting them to improve their methods and implement lessons learned from our experiences. In our meetings, victims from every group are unanimous in their desire that the search for missing persons continues to be a key priority. While there have been significant results already, there are still too many families that do not know the fate of their loved ones. More can and needs to be done in that regard.

Authorities in Bosnia and Herzegovina should give serious consideration to the recommendations recently issued by the International Commission on Missing Persons. It is critical that the law on missing persons be fully implemented and that national authorities take full responsibility for that vital work. For our part, my Office is participating in an intensive effort with key partners to strengthen the search for missing persons in Bosnia and Herzegovina by re-examining available evidence and information. If that work proves successful, we will consider how to expand it to other States in the region.

In conclusion, the foremost objective of my Office is to expeditiously complete our work in accordance with the completion strategy. We will continue downsizing staff in line with the completion of trials and appeals, while also documenting and sharing our experiences.

Next month will mark the twentieth anniversary of the Srebrenica genocide. It will be an opportunity to remember all victims of the conflicts in the former Yugoslavia and to recognize that survivors are making extraordinary efforts to build a more peaceful future. It is also an opportunity for the international community to reaffirm its commitment to ensuring justice for past crimes and preventing their repetition.

The President: I thank Mr. Brammertz for his briefing.

I now give the floor to Mr. Jallow.

Mr. Jallow: I feel greatly honoured to once more present a progress report on the work of the Office of the Prosecutor of both the International Criminal Tribunal for Rwanda (ICTR) and of the International Residual Mechanism for Criminal Tribunals, this time covering the six months since December 2014.

The ICTR has now reached a milestone in the march to completion and closure. In 2015, the Office of the Prosecutor presented its oral arguments in the case of the *Prosecutor vs Nyiramasuhuko* and five others, otherwise known as the Butare case. This is

the last appeal and the last case of the ICTR. The oral hearing that took place in April is therefore significant in bringing to a close a very important chapter in the life of the Tribunal and the mandate of the Office of the Prosecutor. We expect that the Security Council's request that all cases pending at the ICTR be completed by end of 2015 will be fulfilled by delivery of the final judgement in the *Butare* case before the end of 2015. In that regard, I would like to thank all the staff of the Office of the Prosecutor of the ICTR, and indeed of the whole Tribunal, who have for several years devoted their time, talent and energies to the execution of the ICTR mandate and generally to the cause of international justice.

Accordingly, a sizeable number of appeal staff, including some members of the *Butare* appeal team, among them secretarial, language and administrative staff who worked tirelessly over the years in the appeals division of the Office of the Prosecutor of the ICTR, were separated from the Tribunal in May 2015 following the conclusion of the oral hearing in the *Butare* case. A small number of staff has been retained in the Appeals Division in order to complete outstanding pre- and post-appeal proceedings in the *Butare* case, as well as other ongoing closure- and legacy-related activities. The Council will recall that earlier on, with the conclusion of trials and the establishment of the Mechanism's Arusha branch, the Investigations and Trial Divisions of the Office of the Prosecutor had been abolished.

The Office of the Prosecutor continues to focus on and make progress in other areas such as archiving, disclosures and legacy projects. In the past six months since November 2014, some 1,100 boxes of material linked to active cases, particularly related to the three Mechanism fugitives, Félicien Kabuga, Protais Mpiranya and Augustin Bizimana, have been cleaned, processed, classified and transferred to the Office of the Prosecutor of the Mechanism. A significant amount of material in closed cases has already been handed over to the Mechanism Registry and that process will continue to the end of 2015. However, staff separation and attrition continue to hamper efforts towards timely completion of the remaining archival work of the Office of the Prosecutor, and current staff have been consistently urged to double their efforts. Notwithstanding those contraries, we shall continue to work towards concluding the remaining archiving work of the Office of the Prosecutor by the end of 2015.

The completion of legacy and best practices projects, including the writing of the genocide narrative based on facts judicially established by the Tribunal, remains on course for conclusion by the end of the year. In January 2015, the Office of the Prosecutor completed and published in the ICTR and Mechanism websites its report on the Tribunal's experience in the referral of cases to national jurisdictions, highlighting the challenges of empowering national jurisdictions to discharge their primary responsibility to investigate and prosecute international crimes, as well as ways to address some of those challenges. We believe that the ICTR experience carries useful lessons for the implementation of the principle of complementarity, the bedrock of international criminal justice.

Turning now to the Mechanism, I wish to report that the Office of The Prosecutor continues to take over functions from the Offices of the Prosecutors of the ICTR and the International Criminal Tribunal for the Former Yugoslavia (ICTY), as mandated by the Mechanism Statute. A few months ago, in April, during the period of remembrance of the 1994 Rwandan genocide, I visited Rwanda and met with various Rwandan Government officials to discuss various issues of mutual interest, particularly in respect to tracking fugitives and management of the cases referred by the ICTR to Rwanda for trial. The Mechanism Office of the Prosecutor continues to intensify its efforts in tracking the three top fugitives earmarked for trial by the Mechanism. We remain fully committed to their arrest and trial.

We continue to work closely with our partners in the Government of Rwanda, particularly the National Public Prosecution Authority, with INTERPOL and with and the United States War Crimes Rewards Program under the State Department's Office for Global Criminal Justice. The Investigations Section of the Office of the Prosecutor has been strengthened with new and additional staff, fresh initiatives have been taken and new working methods have been put in place to locate the fugitives and bring them to justice. I must stress however, that those internal measures need to be supported by the full cooperation of all States, particularly those where indictees are suspected to reside, if the tracking efforts are to be successful.

With regard to judicial activities, judgment in the *Ngirabatware* appeal case, the only Arusha branch appeal case, was delivered on 18 December 2014, with

his convictions for genocide affirmed by the Appeals Chamber. Following the delivery of that judgement, the staff members of the ad hoc appeals teams handling that case have now been separated from the Mechanism in accordance with the policy to keep the staff size of the Mechanism at a low level. Meanwhile, the core staff, with assistance from appeal staff of the Office of the Prosecutor of the ICTR, continues to deal with post-appeal review litigation arising from requests filed by persons convicted by the ICTR. The Office also continues to make preparations, including the creation of rosters, for the speedy recruitment of staff to manage the trials of the three Mechanism fugitives for the Arusha branch, and the possible appeals in the Šešelj, Karadžić and Hadžić cases, which are anticipated during the next 12 months. As a matter of fact, recruitment has already commenced in order to manage those three possible appeals.

We will continue our policy of active engagement with the countries in the former Yugoslavia in order to strengthen the close collaboration with them that has so far yielded good results in the arrest and prosecution of persons responsible for crimes committed in those territories. I anticipate that the forthcoming international conference scheduled for Sarajevo and the Brijuni meeting of regional prosecutors this month will both provide opportunities for further consultations with our regional partners on the intensification of cooperation with and assistance to the national jurisdictions of the former Yugoslavia in their efforts to ensure accountability for the serious crimes committed in that region during the conflict.

The Office of the Prosecutor of the Mechanism continues to provide assistance to national authorities and international organizations in the investigation and prosecution of crimes committed in Rwanda and in the States of the former Yugoslavia. In the past six months, the Office has serviced a total of 208 requests for assistance from 10 countries and international organizations. As countries increasingly take over the functions of investigating and prosecuting those crimes, we anticipate an increase in the number of such requests for assistance from States and institutes.

I wish to thank the members of the Council, the Member States, the Secretary-General and the United Nations Secretariat for their very strong support to the ICTR over the years, which has enabled the Tribunal to now reach this momentous stage in its mandate. Their unflinching commitment to the cause of international

criminal justice has also enabled the Mechanism to take off and begin to execute its functions effectively in a very short period.

The President: I thank Mr. Jallow for his briefing.

I now give the floor to the members of the Council.

Mr. Barros Melet (Chile) (*spoke in Spanish*): Since this is the first time I am taking the floor in the Chamber this month, I would like to congratulate you, Madam President, on assuming the presidency of the Security Council and to assure you of Chile's full support this month. Moreover, I would like to congratulate the delegation of Lithuania, in particular its Ambassador, on its outstanding work last month.

My delegation thanks the Presidents of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, and the International Residual Mechanism for Criminal Tribunals, as well as the Prosecutors, for their briefings on the implementation of the completion strategy for both ad hoc Tribunals during the period from November 2014 through last May, in accordance with resolution 1534 (2004), as well as with respect to the operations of the Residual Mechanism during the transition phase, covering the same period and in accordance with resolution 1966 (2010).

Their reports show the progress that has been made by the Tribunals and the Mechanism in the implementation of their judicial and administrative tasks in The Hague and in Arusha. In this context, and in the framework of the implementation of resolution 2194 (2014), we would like to acknowledge the work carried out by Judge Sekule of Tanzania, Güney of Turkey and Robinson of Jamaica, who have completed their respective terms of office.

In particular, we welcome the fact that the International Tribunal for the Former Yugoslavia handed down appeals judgements in the cases of *Vujadin Popović* and *Zdravko Tolimir* in January and April, respectively. We also welcome the fact that in April the Appeals Chamber of the Rwanda Tribunal heard oral arguments in the Butare case, the only remaining case, in which a decision is expected during the last quarter of this year, and that the Mechanism handed down its first decision in the *Ngirabatware* appeal last December.

With regard to the International Criminal Tribunal for Rwanda, my delegation welcomes the fact that the

transition to the Residual Mechanism is to be concluded shortly and that the completion strategy for the Tribunal is proceeding in keeping with set timelines.

Chile reiterates its concern that a swift resolution be found to both the situation pertaining to the 11 people in Tanzania who must be relocated and who are living in a safe house in Arusha, with due consideration being given to the humanitarian aspects of this case, as well as to that of the nine people indicted by the Rwanda Tribunal who remain at large, six of whom fall under its jurisdiction and three under that of the Residual Mechanism. International cooperation must be intensified in both cases so as to ensure proper accountability and to fully comply with the resolutions adopted by the Council.

Almost 20 years on from the genocide in Srebrenica, we recognize the contribution made by the Tribunal for the Former Yugoslavia and the need to continue to support its work until its envisaged completion date, in 2017. The debate on the closure of the Tribunals gives us another opportunity to reflect on the ethical and legal responsibilities undertaken by the international community in the face of the most serious crimes, which cannot go unpunished.

These bodies, through their judicial activities, have made an effective contribution to reweaving the social fabric, which is essential to comprehensive national processes of post-conflict rehabilitation. They have also, and this is the central point, contributed to the progressive development of international criminal law, providing the impetus for the creation of the International Criminal Court as an independent permanent criminal court linked to the United Nations system, with jurisdiction over the most serious crimes of major importance to the international community as a whole.

In this context, and as Chair of the Informal Working Group on International Tribunals, I would like once again to express the commitment of my country to the work of the Tribunals and to the Mechanism. We are convinced that cooperation in the completion strategy represents one of the most direct ways for the Council to contribute to the effectiveness of these legal mechanisms.

Mr. Van Bohemen (New Zealand): I wish at the outset to congratulate Malaysia on its assumption of the presidency and thank the Ambassador of Lithuania for their very effective conduct of our business last month.

New Zealand reaffirms its strong support for the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) as well as for the International Residual Mechanism for Criminal Tribunals, and we thank Presidents Meron and Joensen and Prosecutors Brammertz and Jallow for their briefings.

New Zealand was on the Council more than 20 years ago, when the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda were established. When the ICTY resolution was adopted, we stressed the importance of the Tribunal operating independently and impartially. We also emphasized the need for it to be enabled to carry out its work until it had discharged its mandate or the Council had decided its work should end.

We took the same stance with the ICTR and worked hard to ensure that the provisions of its Statute were both consistent with that of the ICTY and suitable to the circumstances of Rwanda and acceptable to the Government of Rwanda, despite the differences of view between Rwanda and the rest of the Council over the applicability of the death penalty.

It is fair to say that I did not expect the Tribunals to still be on the Council's agenda when I returned here 20 years later. But that should not be seen as a failure. During that period, both Tribunals have managed complex criminal proceedings. Both have added breadth and depth to international criminal jurisprudence in relation to some of the most horrific crimes in recent history. These proceedings have taken time, partly because of the challenges associated with locating those charged. While the ICTY has now achieved this, several ICTR fugitives remain at large who, once apprehended, will need to be prosecuted through the Residual Mechanism or by the Rwandan Government.

The ICTY's recent experience has demonstrated the central role that States can play in apprehending fugitives, and we encourage similar cooperation in relation to the ICTR's work. New Zealand acknowledges both Tribunals' efforts to implement their completion strategies. The Residual Mechanism has now assumed responsibility for many functions. While the transition appears to be going well, some critical work remains to be done. But we are pleased to see that the formal closure of the ICTR is still on track for the end of 2015, with only liquidation activities remaining. We

encourage the ICTY to step up its efforts to ensure that its proceedings are completed by 2017.

The ICTY and ICTR also engage in wider activities that contribute to the advancement of international criminal justice. Both have a mandate to share information as part of broader reconciliation processes. They, of course, deal only with the most serious offenders. National courts have a role in continuing their legacy through prosecutions, as do other bodies that allow relevant crimes to be acknowledged in some way. This is necessary if the communities affected are to move on.

New Zealand has consistently drawn attention to the need to ensure that the Tribunals enjoy the same levels of support at their closure as they did at inception. This is also true for other similar current and future judicial institutions. It is not credible for the Council to wash its hands of these bodies after their establishment. Rather, we as the Council have an ongoing responsibility to continue providing the support necessary — in terms of resources as well as political support — for the Tribunals to complete their mandates.

There are valuable lessons to be learned from the Tribunals' experiences in managing judicial, administrative and prosecutorial functions that should be shared. These include challenges associated with winding up a Tribunal, such as problems with senior staff retention and the impact on managing caseloads. We thank Mr. Joensen for his assurances that the ICTR is already addressing these lessons-learned issues.

While the Council has a responsibility to the Tribunals, the Tribunals, in turn, have a responsibility to work as effectively and efficiently as possible. This responsibility is not only to meet Council deadlines but, moreover, to meet the legitimate expectations of victims, for whom these Tribunals were ultimately established.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): We are grateful to the heads of the Tribunals and the Residual Mechanism for briefing us on the judicial proceedings, the speed at which they are winding up and the transition to the Residual Mechanism.

In resolutions 2193 (2014) and 2194 (2014), the Security Council took a step in the direction of both Tribunals by agreeing to an extension of their judges' terms of office. Mindful of the serious problems facing the work of the International Tribunal for the Former Yugoslavia (ICTY), the Council urgently called on this

body to step up its efforts to compress the timelines for the completion of its cases. We take note of the information in the ICTY's current report (S/2015/342, annex) on the steps that have been taken in that regard. So far, however, they have not produced results. That can only arouse serious concern. The staffing problems that the ICTY report mentions can hardly represent an adequate explanation of the situation. It would seem that the Tribunal retains staffing resources sufficient to organizing its proceedings without compromising the speed of its work. Nor do the other reasons cited seem overwhelming.

Apart from that, we would like to comment on the situation regarding those accused with serious health problems. For example, the report says that the trial of Goran Hadžić was suspended as early as October 2014 owing to the state of his health. In our view, the ICTY Trial Chamber and Prosecutor could analyse how best to deal with getting on with the proceedings while taking the humanitarian considerations into account. Delays in the Tribunal will result in unprecedentedly long pre-trial detention periods for the accused. Such practices, by raising questions related to the right to a fair trial, can hardly serve as examples for national or international courts in the future. We believe the Tribunal leadership can rectify the situation, shorten the projected time frames for completing proceedings and ensure the Tribunal's speedy transfer of its duties, in accordance with the Security Council's requests. We call on it to take all necessary measures and expect to see results by the end of the year.

We welcome the information from the International Criminal Tribunal for Rwanda confirming that it will complete the closure of its activities this current year. We note the important role that States in both the regions concerned and other countries have played in supporting the Tribunals and the International Residual Mechanism for Criminal Tribunals. According to the ICTY Prosecutor's report, they have demonstrated a high level of cooperation, particularly Serbia, whose efforts have made a major contribution to completing a number of the Tribunal's judicial proceedings.

The Residual Mechanism has rendered its first judgement, and progress is being made in carrying out other uncompleted functions of the Tribunals. We expect the Mechanism's activities to be as effective as possible, given the temporary nature of its mandate as laid down in resolution 1966 (2010). In that context, we recall that according to paragraph 17 of that resolution,

the initial four-year period for the Mechanism's operation will end a year from now, and that in order for it to continue to operate, a review must be conducted of its work during that period.

Mr. Oyarzun Marchesi (Spain) (*spoke in Spanish*): I would like to thank you, Madam President, for convening this debate, and the Presidents and Prosecutors for their thorough reports. Spain, of course, would like to commend the Tribunals, their Presidents, Prosecutors and all their staff for their work in combating impunity.

I would like to begin with the work of the International Tribunal for the Former Yugoslavia. We are pleased to see that it is still committed to completing its work by December 2017. With regard to the four cases outstanding, we understand that there are reasons for the recent delays, particularly the Tribunal's staffing reductions and the health problems of the accused. However, we agree with the Prosecutor that as time goes on, the risk increases that delays in bringing justice will eventually become a denial of justice. We urge the Tribunal and its staff to spare no effort to conclude the four proceedings as quickly as possible.

Concerning the *Šešelj* case, we note the recent decision of the Appeal Chamber, on 30 March, to revoke the accused's provisional release in view of his conduct, and we condemn the expression of any revisionist views that would offend the memory of the victims and undermine the foundations for reconciliation. With regard to the appeals proceedings, we welcome the two judgements handed down in January and April. There are now three cases outstanding and we once again urge the Tribunal to minimize delays and expedite their conclusion. We are worried about the slow pace of the activities of the national authorities, particularly in the referrals of mid-level and high-profile cases, and about the politicization of the proceedings. We call for respect for judicial independence as an essential foundation for the rule of law, and for intensifying efforts to exercise true national justice in the wake of conflict.

However, we welcome the progress that has been made in regional cooperation, including the arrest of eight people suspected of participating in crimes related to the genocide in Srebrenica, whose twentieth anniversary is next month, in July. For the Tribunal to carry on with its work and complete it successfully, it is essential that all of us — every State in the international community as well as international organizations, including the United Nations and particularly the Security Council — continue to support it to the

very end. The support of regional organizations is also vital, especially the European Union, NATO, the Organization for Security and Cooperation in Europe and the Council of Europe. Finally, we call on the Tribunal to continue to transfer its responsibilities to the International Residual Mechanism for Criminal Tribunals in order to ensure a smooth, problem-free transition.

Turning to the International Criminal Tribunal for Rwanda, we are pleased with the information provided and hope that the conclusion of the work on first-instance judgements for the last remaining case on appeal, *Nyiramasuhuko et al. (Butare)*, will continue to make progress, as it has done in the past few months, and that it can be concluded by the fourth quarter of this year, which will make it possible to close the Tribunal's doors in December.

It is worrying that nine of the accused indicted by the Tribunal for their participation in the genocide in Rwanda — three of them senior officials — remain at large. We call on the Rwandan authorities and those responsible for the Residual Mechanism to ensure that they locate them and bring them to justice, whether before the Mechanism, for the three aforementioned officials, or before the Rwandan judicial authorities for the remaining six. We also call for the cooperation of those States where they may be found.

We commend the staff of the Tribunal and the Mechanism for the exemplary manner in which the transfer of the Tribunal's functions is being carried out and for the information on the progress of the transfer in every area: administrative, judicial and archival. We are aware that there continue to be humanitarian issues for people who have been acquitted by the Tribunal or who have completed their sentences, and we would like solutions to be found as soon as possible in order to enable them to find somewhere to live in safety and dignity.

Finally, I should like to comment about the importance of publicizing the work of the Tribunals. As their work comes to an end, it will be more important than ever to ensure that their work is adequately publicized in order to raise people's awareness of such situations, especially young people, and to help to increase the effectiveness of the work of other international courts and tribunals, including the International Criminal Court (ICC) and national courts, which I am sure can benefit from the lessons learned and best practices that both Tribunals have developed over more than two

decades. We cannot underestimate the value of such experience in raising awareness, among young people, as well as professionals in other courts and the ICC, through, for example, the workshops organized by the International Criminal Tribunal for Rwanda to explain gender-related crimes and the use of multidisciplinary expert teams and lessons learned in locating fugitives, which, along with the work of the current Prosecutor of the International Tribunal for the former Yugoslavia, are very valuable and deserve our support.

In conclusion, although we are convinced that the conclusion of the process will be in everyone's interest, especially that of the victims and above all that of justice, we must agree with Judge Meron that the delays in the completion of the completion strategy must in no way impede the overall work of the Tribunals. All those who, in one way or another, have served the Tribunals should be rightly proud; they have participated in an admirable, very difficult endeavour that has finally reached a successful conclusion that is important for international criminal law and for the hopes of the victims who merely wish to obtain justice. That work has contributed in a decisive manner to the re-establishment of the rule of law in Rwanda and in the States of the former Yugoslavia.

In one month, we shall commemorate the twentieth anniversary of the Srebrenica massacre — an appropriate time to remember the victims and to entrench reconciliation, supported by an understanding of the facts and the need to hold those responsible accountable. In 1993 and 1994, the Council adopted resolutions 827 (1993) and 955 (1994), establishing the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, and demonstrated the strength of its commitment to the fight against impunity.

We must recognize that this is not sufficient. New atrocities are being committed every day in Syria, Libya, South Sudan and elsewhere in the world. Our work is therefore far from over. We must reaffirm our commitment and ensure that those who are responsible for the most serious violations of international humanitarian law and human rights receive the clear and unequivocal message that their acts will not go unpunished. It is our duty to do this, and it will be the best tribute that we can pay to victims and to the men and women who work every day to provide justice in bodies such as those bodies represented here today.

Mr. Laro (Nigeria): I thank our briefers, Presidents Meron and Joensen and Prosecutors Brammertz and Jallow, for their informative briefings.

Nigeria commends the International Tribunal for the Former Yugoslavia (ICTY) for the steady process it has made towards completing its work. We note that that Tribunal has concluded proceedings against 147 out of 161 persons indicted. We also note that there are no ICTY fugitives. We acknowledge the constraints faced by the ICTY, which made it difficult to complete some trials and appeals by the target date of 31 December 2014. We encourage the Tribunal to continue to work efficiently to complete outstanding judicial proceedings.

We note that the ICTY has been experiencing difficulties with the recruitment and retention of staff. It is a matter of concern to us that this situation is impeding the work of the Tribunal. We commend the Tribunal for its efforts to improve the retention and recruitment of staff in its challenging circumstances and hope that those efforts will yield positive outcomes. In terms of communications and outreach, we commend the ICTY Media Office for facilitating the work of journalists covering the activities of the Tribunal. This has indeed helped to promote transparency in the work of the Tribunal. We acknowledge the significant contributions of the ICTY outreach programme to the debate on transitional justice and post-conflict recovery in the former Yugoslavia.

Concerning the International Criminal Tribunal for Rwanda (ICTR), Nigeria welcomes the progress made in implementing its completion strategy. The successful handover of most judicial and prosecutorial functions to the Residual Mechanism is an important indication of that progress. In terms of best practices and lessons learned, we commend the ICTR for its cooperation with other tribunals and the International Criminal Court in sharing perspectives. We also commend the prosecutor of the ICTR for producing a manual on best practices for the referral of international criminal cases to national jurisdictions for trial.

We note the staffing problems that the ICTR is experiencing, which are similar to those faced by the ICTY. We hope that sustainable solutions will be found in an expedient manner in order to facilitate the work of the Tribunal. We encourage all States to cooperate with the Residual Mechanism to ensure that the nine people indicted by the ICTR who remain at large are

apprehended. They are fugitives from the law and must face justice for their participation in the genocide in Rwanda.

Finally, we commend Judge Meron and Judge Joensen for their astute leadership and assure them of our continued support.

The President: I now give the floor to the representative of the United States of America.

Mr. Pressman (United States of America): I thank Presidents Meron and Joensen and Prosecutors Brammertz and Jallow for their reports and, as always, for their steadfast dedication to advancing global justice. At this time, I would like to express particular gratitude and thanks to President Meron in his last briefing before the Council as President of the International Tribunal for the Former Yugoslavia (ICTY). We greatly appreciate his dedicated service as President of both the ICTY and the Residual Mechanism. He has tirelessly dedicated much of his professional life to international justice and contributed immensely to the jurisprudence of international criminal law. International justice has been well served and continues to be well served by his leadership.

The seeds of international criminal justice were planted 70 years ago with the drafting of the Charter of the International Military Tribunal. The Nuremberg Charter provided for a fair judicial process for leaders of the Nazi regime who would face trial in Nuremberg. The Charter and the ensuing trials ensured that those accused of war crimes and crimes against humanity would face justice before the world. Indeed, while the world faces the continued horrors of mass atrocities in Syria, South Sudan, the Sudan, the Central African Republic and elsewhere, the ICTY, the International Criminal Tribunal for Rwanda (ICTR) and the Mechanism for International Criminal Tribunals stand as examples and important reminders that where there is will, perpetrators of mass atrocities can indeed be brought to justice.

As always, the United States supports the ongoing efforts of the ICTY to complete its remaining trials and appeals expeditiously, efficiently and thoroughly, while pressing international justice forward and ensuring that the accused are given a fair trial. We note that appeals judgements have been rendered in the *Popović* and *Tolomir* cases, and we await judgement this year in the trial of Radovan Karadžić. Together with Ratko Mladić, Karadžić stands accused of crimes that include

responsibly for the Srebrenica massacre, the twentieth anniversary of which falls on 11 July. Srebrenica, of course, was the single worst crime committed in Europe since the Second World War. It is hoped that the victims and survivors of Srebrenica will have an outcome that can help bring closure to that most disturbing and painful chapter in the history of the former Yugoslavia.

We also await judgement in the trial of Vojislav Šešelj for crimes against humanity and violations of the laws and customs of war. The United States once again condemns his incendiary public rhetoric — rhetoric that challenges regional reconciliation and threatens to open tragic wounds of the past, since his provisional release by the Court on humanitarian grounds last November. We continue to urge all Governments and leaders of the region to cooperate with the Court's orders, to continue working towards reconciliation and to avoid inflammatory statements.

Last year, the International Criminal Tribunal for Rwanda completed all of its trials of first instance as the world marked two decades since the Rwandan genocide. We recognize and appreciate the ICTR's continuing efforts to finish appeals in a timely manner. We also continue to commend the ongoing efforts of the Presidents and Prosecutors to efficiently transfer the remaining functions to the Residual Mechanism, while at the same time preserving the fairness and impartiality of the judicial process.

The effort to ensure that those accused by the ICTY — all 161 out of 161 — were brought to justice was unprecedented in the history of international justice. It required the international community to use the full range of resources and tools at our disposal: legal, financial and political. This included the conditioning of bilateral economic assistance on a State's compliance with its obligations under Chapter VII of the Charter of the United Nations to enforce arrest warrants issued by judges of the ICTY. Most significant in terms of its impact, as implemented by the European Union (EU), with the steadfast support of EU member States, was the requirement of full and complete cooperation with the ICTY before a country could be considered for accession to the EU.

United Nations peacekeeping missions and multinational NATO forces worked with the Tribunals, international law enforcement and national authorities to assist in apprehending fugitives. INTERPOL shared information, and training programmes strengthened the capacity for national police authorities to locate and

arrest war crimes fugitives. The United States offered rewards of up to \$5 million for information leading to their arrest and, following those arrests, paid significant rewards in a number of cases.

To achieve the same success for the ICTR and ensure that the nine remaining ICTR fugitives, who are mass murderers, are brought to justice, we have been working closely with the same organizations: the United Nations, national authorities, international law enforcement and, most importantly, the ICTR and the Residual Mechanism. As with the ICTY fugitives, the United States continues to offer up to \$5 million in rewards for information leading to the arrest of the nine ICTR fugitives, whether they will be prosecuted in the Residual Mechanism or in Rwandan courts. We call for full international cooperation in tracking and arresting these men. We remain deeply committed to apprehending those nine fugitives, who include three leaders believed to have carried out key roles in the Rwandan genocide: Félicien Kabuga, alleged to have financed atrocities; Augustin Bizimana, the Minister of Defence, alleged to have ordered his subordinates to carry out horrific crimes; Protais Mpiranya, the Commander of the Presidential Guard, alleged to have carried out targeted assassinations from the moment the genocide began. These men have not escaped our continued attention and our steadfast determination to see each of them face justice. If we forget them, we fail their victims and the survivors, and we will not and cannot fail them.

Justice and accountability for the victims and survivors of mass atrocities and accountability for the perpetrators remain a critical requirement of any real peace. The ICTY and ICTR have ensured justice for the victims of some of the worst mass murderers and criminals in the history of the world. They have made immeasurable contributions to ensuring accountability, advancing peace and reconciliation and promoting truth and justice. Their work and legacy should serve as a reminder of what is possible when the world is committed to responding to crimes that shock the conscience, and they should serve as a cold rebuke to those who continue to commit such crimes under the mistaken belief that somehow we will just give up on accountability and move on from the push for justice. At the very least, the ICTY and ICTR are a reminder that we will not do so, and a reminder that we will fulfil our commitment to the victims of these atrocities and their survivors because we cannot and will not forget.

Mr. Stehelin (France) (spoke in French): I thank Presidents Meron and Joensen and Prosecutors Jallow and Brammertz for their reports and their very comprehensive briefings. France reiterates its thanks to all the staff of the Tribunals for the work carried out to complete the pending proceedings.

We also welcome the transition that has been taking place since 1 January 2012 in accordance with resolution 1966 (2010) to the International Criminal Tribunal for Rwanda (ICTR) and International Criminal Tribunal for the Former Yugoslavia (ICTY) branches of the Residual Mechanism in order to allow the work of justice to continue and run its course. We note in this regard that 76 per cent of those recruited were from the Tribunals' teams, which should contribute to the effectiveness of the work and to support provided for the completion of the Tribunals' work.

France pays close attention to the Tribunals as they strive to reach their goal of delivering justice in the context of the completion strategy and in full respect for procedural safeguards. It is to that end that the Council adopted resolutions 2193 (2014) and 2194 (2014) on 18 December 2014.

Regarding the International Criminal Tribunal for the Former Yugoslavia, difficulties arising from the departure of key personnel and the advanced age of some of the accused are all factors that help to explain the delay in meeting the deadlines established. This delay makes resolute measures for an optimal allocation of resources all the more necessary in order to prevent gaps. As stated in resolution 2193 (2014) of 18 December 2014, the ICTY must continue its efforts to complete its work as quickly as possible and facilitate the earliest possible end closure in order to wrap up the transition to the Mechanism. France welcomes in this regard the transfer of ICTY records to the Mechanism, which began in January 2015.

With respect to the International Criminal Tribunal for Rwanda, France wishes to acknowledge the importance of the closure of the Tribunal by the end of 2015, according to the timetable contained in resolution 2194 (2014). The continued downsizing of staff charged with administrative and judicial activities is a positive sign of a transfer of powers to the Mechanism, which has already shouldered its responsibility to handle the first appeal of a Tribunal judgment on 18 December 2014.

The arrest and transfer of the remaining fugitives and the relocation of the 11 persons released after acquittal or completion of sentence, who are still in Arusha, will remain priorities for the Mechanism. France reiterates that it will provide the same support to the Mechanism as that given to the ICTR and calls on all States to cooperate in this regard. Furthermore, I would reiterate that France will spare no effort, in particular as regards the two cases referred by the ICTR to the French courts.

The twentieth anniversary of the Srebrenica massacre, which has been described as genocide by both the ICTY and the International Court of Justice, will be commemorated this year. On that occasion, we must welcome the important work carried out by the ICTY. The Tribunal is the guarantor of the right to truth, the exposure of facts, the fight against impunity and the duty to remember. Through its judgements, its decisive role in cooperation and mutual assistance between various State prosecutors to prosecute so-called intermediary criminals and its scope, it has played a central role in national and regional reconciliation and in reconstruction.

We continue to believe that regional and national cooperation is the heart of an effective transition. It is now up to the countries concerned to continue to build States in which the rule of law prevails and the independence of the judiciary is ensured. The prosecution of so-called mid-level criminals must remain a priority in that respect. Progress made in the *Štrpci* case, with the arrest by the Serbian authorities in March of eight persons suspected of involvement in the Srebrenica massacre, is an encouraging example but must be part of an ongoing strategy.

The International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are a major step in the fight against impunity. While the Tribunals are implementing their completion strategies, we need to recognize their work in terms of jurisprudence, which must be kept alive. Archive management, the dissemination of this work and capacity-building are an essential link for the victims and the international community as a whole.

Mr. Suárez Moreno (Venezuela) (*spoke in Spanish*): Allow me to congratulate you, Madam President, on your assumption of the presidency of the Council for the month of June and assure you that you can count on our support. I would also like to extend our thanks to the Lithuanian delegation for the work

carried out during the month of May. I would like to take this opportunity to thank Presidents Meron and Joensen and Prosecutors Brammertz and Jallow for the reports they presented and to recognize the leadership of Chile at the head the Informal Working Group on International Tribunals.

The Bolivarian Republic of Venezuela supports the arduous work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR) in prosecuting and sentencing those responsible for crimes against humanity and war crimes that shocked the conscience of humankind. The work of the Tribunals has bolstered the international community's resolve to guarantee that those responsible for such abominable acts will not enjoy impunity. We hope that the efforts of Member States will be consistent in ensuring that acts as horrific as those that occurred in those countries will not be repeated.

Now, as we approach the closure of these Tribunals and the transfer to the International Residual Mechanism of their archives on the cases of the fugitives, cases of contempt or of perjury, and on the protection of victims and witnesses, we consider it important to highlight the need for cooperation from States to ensure compliance with all the mandates set forth in resolution 1966 (2010). Without such support, the Mechanism will fail to achieve its goals.

In relation to the International Tribunal for the Former Yugoslavia, it is important to note that final verdicts have been handed down in 147 of the 161 individual cases assigned to it. To date, the Tribunal has not had before it a single case involving a fugitive from justice, but we observe with great concern that although over two decades have elapsed since the creation of the Tribunal, several proceedings at the trial level remain ongoing, due to procedural delays on various grounds that we believe could be effectively resolved so that the trials could be completed within an established time frame while guaranteeing the principles of due process and judicial impartiality. It is not enough for judges to act independently and impartially; they should also conduct proceedings and issue their judgements in a timely manner because justice delayed is justice denied.

Our delegation acknowledges the work undertaken by the International Criminal Tribunal for Rwanda to complete the cases of 93 defendants, leaving only one case pending in the Appeals Chamber — the *Nyiramasuhuko et al. (Butare)* case — which involves

six accused, the completion of which is expected at the end of this year. With respect to the nine cases of fugitives from justice that were referred to the jurisdiction of the national courts of Rwanda and the other three cases transferred to the Residual Mechanism, we encourage the authorities to locate, apprehend and prosecute those charged to as soon as possible. As long as that has not occurred, we cannot speak of justice having been served.

With regard to those who have completed their sentences or have been acquitted, the ICTR has transferred these cases to the Residual Mechanism to assist in their relocation in view of the fact that it is a humanitarian issue requiring the international community's cooperation. Only then will these people be able to reintegrate into society. In this regard, we support the strategic plan adopted by the Residual Mechanism consisting of expanding efforts to find suitable places for relocation and thereby providing them with appropriate humanitarian assistance that would help limit the financial costs of their upkeep.

Finally, we appeal to the International Tribunal for the Former Yugoslavia to continue to take all measures necessary to complete its work expeditiously and ensure that all cases still in proceedings be completed in 2017, as has been planned. In this way, the commitment it made to the international community to promote the rule of law and end impunity would be fulfilled.

Mrs. Alingue (Chad) (spoke in French): I would like to congratulate the delegation of Malaysia on its assumption of the presidency of the Security Council and wish you, Madam President, every success — for yourself and for your team — in taking on your mission; Chad assures you of its support. I would also like to acknowledge the excellent Lithuanian presidency for the month of May and personally congratulate Ambassador Raimonda Murmokaite and her team for that success. I also thank the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the International Residual Mechanism for their respective briefings and reports.

We take due note of the significant efforts made by the Tribunals to complete their work in spite of the obstacles that remain as the completion date of ICTY approaches. In the six months elapsed, the judicial and legal activity of the ICTR essentially brought about the completion of the appeals pending and the transition towards the Residual Mechanism, which continued

to benefit from its technical and administrative support. Given that this transition is nearly completed, there remains one trial on appeal before the Tribunal — namely, the *Nyiramasuhuko et al. (Butare)* case — before its completion scheduled for this year. The Tribunal nevertheless continues the reduction of its staff while providing assistance to Rwandan national courts in the context of cases that are being transferred to them.

We also take due note of the activities carried out during the last six months and encourage all teams to complete their work on time. However, we regret that the six fugitives have not yet been found. In this regard, we call on the countries where they are supposedly located to show solidarity with the Republic of Rwanda which must rebuild its nation scarred by genocide by having the fugitives tried by the Residual Mechanism and, in particular, by its own national courts.

Regarding the ICTY, it is also actively working to wrap up its mission, particularly in the context of its completion strategy. With the passing of two important rulings during the period covered by the reports, there remain seven judgements and orders to be made. We should acknowledge in this regard that of the 161 accused 147 have received final verdicts. The ICTY's communication activities and efforts to heighten awareness continue to develop. However, the European Union funding for this purpose will end in August, which suggests that there will be difficulties in pursuing these efforts.

Delays in keeping on schedule remain for various reasons. Many postponements of judgements and appeals will be logged in spite of the predictions made in the latest report. The health of some defendants, the slow pace of the process, among other things, have delayed the Tribunal's work during this period, but the great challenge remains the departure of staff. Although these problems are known, they could not be avoided despite the warning by the Tribunal, which came up with solutions that unfortunately did not receive the necessary support of the competent United Nations entities. In this context, we encourage the Tribunal to continue implementing its strategy to completion while continuing to consider appropriate diligent steps that it intends to take to achieve that end. That having been said, we believe it is also important that the Tribunal further streamlines the judicial activities in order to avoid the accumulation of delays.

Mr. Ibrahim returned to the Chair.

In conclusion, we regret the lack of progress in the cooperation between the Tribunal and some States of the region to try alleged perpetrators. In this regard we encourage States to make every effort to see that these judgements take place as soon as possible.

Ms. Mulvein (United Kingdom): I thank the Tribunal and Mechanism Presidents and Prosecutors for their briefings and their reports.

I would like to begin by emphasizing the United Kingdom's continued support for the important work of the International Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the International Residual Mechanism for Criminal Tribunals. Through their efforts, we will hold to account the perpetrators of some of the most heinous crimes of the twentieth century.

On the ICTY, we are pleased that the appeals of the *Popović et al.* and *Tolimir* cases have now been completed. We hope that the timetable for the *Karadžić*, trial is maintained and that a means can be found to complete *Hadžić* trial. Now that the Office of the Prosecutor has filed a motion to proceed in *Hadžić*, we look forward to hearing the trial chamber's decision on the case soon. On the *Mladić* case, we recognize the importance of new evidence presented in that trial and we now look forward to the case's timely resolution. We note that the set-out judgement is due at the end of 2015 and we also understand the complexities with the defendant's revoked provisional release. We hope that the remaining three appeals can also be completed within the timetable set forth in the ICTY report. We encourage the Tribunal to continue with its efforts to conclude its work in an expeditious and timely manner.

It is encouraging that the Office of the Prosecutor for the ICTY remains satisfied with the cooperation it has received from the authorities in Bosnia and Herzegovina, Serbia and Croatia, and the United Kingdom welcomes their continued cooperation. It is also positive that the search for missing persons has been reinvigorated in Bosnia and Herzegovina. We support the Prosecutor's call for accelerated searches for and exhumation of mass graves and identification of remains, and we urge the Bosnia and Herzegovina Governments at the State and entity levels to support those efforts. However, the Prosecutor again raises concerns about the significant challenges that remain with respect to regional prosecutions of war crimes, particularly in Bosnia and Herzegovina. That risks

breaching the time lines of the National War Crimes Strategy. We are concerned that only a fraction of cases have been prosecuted at the national level and that regional war crimes prosecution continue to face systemic and persistent challenges.

Turning to the International Criminal Tribunal for Rwanda (ICTR), we are pleased that the Tribunal remains on track to complete its one remaining case, *Nyiramasuhuko et al. (Butare)*, at the end of 2015, with the formal closure of the ICTR by the end of this year. But the failure to apprehend the nine fugitives remains a cause for concern. We encourage all States to provide their full support to Rwanda and the International Residual Mechanism for Criminal Tribunals to ensure their arrests. The work of ensuring accountability cannot be completed until those individuals have been brought to justice. We thank the ICTR for their efforts in trying to resolve the problem of relocating the individuals in Arusha, and we are pleased that the Mechanism has adopted a strategic plan for that. We also welcome discussions on reparations for victims. As the Rwandan Government remains in consultation with the International Organization for Migration on the draft assessment study with recommendations, we would be grateful for a progress update.

In regard to the Mechanism, we welcome the news that it has delivered its first appeal judgement and is now reviewing referred cases. We also commend the significant progress on administrative issues, including the staff at work on the permanent premises in Arusha. We commend both Tribunals for the ongoing transition of activities to the Mechanism. A smooth transition is a priority, and we encourage the Tribunals and the Mechanism to continue to work together to meet the joint aims of the completion strategies.

Let me close by echoing Prosecutor Brammetz's call for the international community to use the twentieth anniversary of the Srebrenica genocide to reaffirm its commitment to achieving justice. The anniversary should be foremost a time to pay respects to the victims and their families as well as to all innocent victims of the war in Bosnia and Herzegovina.

Mr. Lucas (Angola): At the outset, Mr. President, let me express our congratulations to your delegation, Malaysia, on presiding over the Security Council for the month of June. I also commend the work performed by the Lithuanian presidency during the previous month of May.

We thank the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the International Residual Mechanism for the briefings they have provided the Council, and we assure them of Angola's full support.

By establishing the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, the Security Council responded to the universal plea for the global strengthening of the rule of the law and the end of impunity. Over the past 20 years, the ICTY and the ICTR have played a crucial role in promoting the rule of law by making a meaningful contribution to ending impunity for those responsible for committing war crimes, genocide and crimes against humanity. On the eve of their closure, we recognize the remarkable achievements of the International Criminal Tribunals and their contribution to international justice and the rule of law.

The ICTY has now concluded proceedings against 147 out of 161 indicted individuals, including two important appeals cases. Seven trials and appeals, involving the last 14 of the 161 indicted, remain outstanding. The Tribunal is making efforts to meet the targets for its completion strategy and to ensure a smooth transition to the Mechanism in compliance with resolution 1966 (2010). We welcome the non-existence of ICTY fugitives and the Tribunal's commitment to the expeditious completion of its work while ensuring that the trials and appeals are conducted in a manner consistent with the fundamental principles of due process and equity.

Despite the continued challenges, such as delays in trials and appeals, we are reassured that steps are being taken for the completion of all judicial proceedings by 2017. We note with satisfaction that the Office of the Prosecutor remains focused on completing the remaining trials and appeals while reducing costs and downsizing staff. With respect to the regional prosecution of war crimes, we support the efforts of the Office of the Prosecutor to encourage the improvement of regional cooperation concerning war crimes.

In regard to the International Criminal Tribunal for Rwanda, while the formal closure of the Tribunal is planned to occur by the end of 2015, we commend the work it has accomplished by concluding the trials of all 93 indicted individuals. We are concerned that nine of those indicted by the ICTR for their participation in the genocide in Rwanda remain at large with three

of the fugitives being under the jurisdiction of the Mechanism and the remaining six referred to the Rwandan authorities. Thus, pursuant to resolution 1966 (2010), the responsibility for tracking and trying them remains with the Republic of Rwanda and the Residual Mechanism, which will require the cooperation of all States to ensure that there will be no impunity for the perpetrators of the genocide in Rwanda.

We note with satisfaction that the transition to the Residual Mechanism is close to completion, most judicial and prosecutorial functions have already been handed over and administrative arrangements have been put in place. We value the sharing of lessons learned by the Tribunals in the management of judicial, administrative and prosecutorial functions with other international and national jurisdictions as well as with the public. Important challenges remain, including reparations for victims and the relocation of the acquitted and the convicted by the Tribunal. Those are tasks that must be carefully addressed so that the work of the Tribunal fully impacts on peace and reconciliation in Rwanda.

Concerning the Residual Mechanism, we would like to underscore the relevance of working closely with the Tribunal principals and staff members to ensure a smooth transition of the remaining functions and services and the examination and adoption of best practices. The communication and cooperation with the States of the former Yugoslavia and Rwanda by keeping them updated on the activities of the Mechanism and the transition of responsibilities, as well as the assistance to national jurisdictions, are most welcome. We greatly value the support afforded to the Mechanism by the ICTR, the ICTY, the Office of Legal Affairs, the Department of Management of the Secretariat, and concerned States, which will be crucial to ensuring the success of the Mechanism. We are encouraged by the fact that the arrests and surrender of the remaining fugitives have been set as priorities by the Residual Mechanism, taking into account that the ongoing operations on tracking renegades, conducted by the Prosecutor, require the full cooperation of the States.

Finally, we would like to highlight that the principles of international criminal justice embodied in the Criminal Tribunals for the former Yugoslavia and for Rwanda have been crucial in the recovery processes of those countries, following the horrific events that took place in their territories. It is expected that the international community will continue supporting

the Tribunals in their remaining work, including by ensuring adequate resources to permit their achievement of the goals set by the Security Council with a view to securing lasting peace and the Tribunals' legacy.

At a time of widespread atrocities, the international community is challenged to take stock of the legacy of the ICTY, the ICTR, the Residual Mechanism and the other international tribunals, as a concrete expression of its commitment to end impunity and its pledge to a world where the rule of law prevails.

Mr. Omaish (Jordan) (*spoke in Arabic*): At the outset I would like to welcome Judges Meron and Joensen and Prosecutors Brammertz and Jallow and thank them for their outstanding achievements and the exceptional work carried out by the Tribunals.

The Council established both the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) in response to crimes against humanity, war crimes and genocide and in order to ensure the prosecution of the perpetrators of such crimes, the fight against impunity and the promotion of the rule of law. Over the years, the Tribunals have made positive progress towards achieving their fundamental goals through the significant number of cases adjudicated and the few remaining cases, which together provide the best evidence of that progress.

Despite the challenges and financial costs of the investigations and trials, the Tribunals' accomplishments confirm the sound decision to establish them and to ensure their success. The Tribunals have played a crucial role in developing principles of international criminal law that are invoked today by the International Criminal Court and numerous international courts in rendering their decisions and judgements. We therefore encourage all international judicial institutions and national courts to make the best use of the Tribunals' judicial and administrative experience.

Achieving the fundamental goals of the Tribunals will require constructive cooperation and strong support, which Jordan continues to offer. The Tribunals must be supported by all available means to complete their work within the timeline set by their respective Presidents. At the same time, we stress the importance of a smooth transition to the Residual Mechanism and the implementation of the completion strategy after all trials have been finalized. In the current phase we must focus on the technical and administrative issues

affecting the work of the Tribunals in order to ensure the effective completion of their work.

We are concerned about the remaining fugitives indicted by the ICTR and call on the relevant stakeholders to hand over those persons for whom arrest warrants remain outstanding.

Ms. Murmokaitė (Lithuania): I would like to start by thanking you, Mr. President, for the very kind words addressed to my delegation and by wishing you all the very best during the month of May. I would like to thank Judges Meron and Joensen and Prosecutors Brammertz and Jallow for their extensive briefings today. Lithuania also reiterates its thanks to all of the staff of the Tribunals for their work.

The upcoming commemoration of the twentieth anniversary of the Srebrenica genocide is a sad reminder of that massive human tragedy and the dramatic failure to implement the responsibility to protect the population from genocide and crimes against humanity. At the same time, the anniversary once again recalls the importance of upholding and actively pursuing the accountability of those responsible for the most serious crimes.

Through its jurisprudence, the International Tribunal for the Former Yugoslavia (ICTY) has significantly contributed to international criminal law and continues to do so. Both Tribunals have played a historic role in the prosecution of wartime crimes of sexual violence, thereby paving the way for the adjudication of such crimes worldwide. Both have championed respect for the rule of law and have contributed to the necessary process of truth-seeking and reconciliation. The reports presented today clearly indicate that both Tribunals are moving steadily towards the completion of their mandates. We welcome the steps that they have taken to expedite their work and effectively conclude the cases still under consideration, while referring outstanding tasks to the Residual Mechanism.

With regard to the ICTY, the Tribunal made substantial progress during the most recent reporting period. Two appeal judgements were rendered, including the *Vujadin Popović et al.* case regarding five individuals convicted at trial. Only seven trials and appeals currently remain, involving the last 14 accused individuals and appellants. We are looking forward to the trial judgements in the *Vojislav Šešelj*, *Radovan Karadžić* and *Ratko Mladić* cases, involving three of the most important indictees, and encourage the ICTY

to take all appropriate measures to expedite decisions in those cases.

We note the concern over the high staff attrition rates expressed by the President of ICTY in his report (S/2015/342, annexes) and acknowledge the steps taken by the Tribunal to tackle that concern. Challenging circumstances and delays in judgements can jeopardize the course of justice. We acknowledge the challenges that the ICTY is facing in meeting the deadlines set for the remaining seven trials and encourage it to continue taking all measures necessary to minimize the delays.

Accountability for war crimes and crimes against humanity depends on the timely completion of the remaining proceedings by the Tribunals and the Residual Mechanism. As the ICTY nears the completion of its mandate, accountability at the national level is of utmost importance. We welcome cooperation between the Office of the Prosecutor of the ICTY and the authorities in Bosnia and Herzegovina, Serbia and Croatia. At the same time, we would like to share the concerns expressed by Prosecutor Brammertz with regard to improper attempts to influence independent judicial authorities and to politicize war-crimes prosecutions. We urge concerned States to overcome the most serious barriers to national justice and to properly investigate and prosecute war crimes under their own jurisdiction.

With regard to the ICTR, we would like to commend the tireless work and dedication of the staff and judges in the continuing judicial and legal activities aimed at completing the work of the Tribunal. We welcome the fact that the transition to the Residual Mechanism is close to completion and that the Tribunal plans to close by the end of 2015. While the ICTR is completing its mandate, nine fugitives under ICTR indictment remain at large. We encourage all States to provide full support to Rwanda and the Mechanism so as to achieve the arrest and surrender of the fugitives.

We note that the Residual Mechanism, working closely with both Tribunals, has assumed many of their core functions, including with regard to the enforcement of sentences, the protection of victims and witnesses, the management of archives and the relocation of acquitted and released persons.

We take note of the remaining challenges regarding the relocation of acquitted individuals and those who have served the sentence imposed by the ICTR. Greater efforts are necessary to find a long-term solution to that issue. In the meantime, we encourage all States

to cooperate with a view to resolving the matter as quickly as possible.

While the ICTY and ICTR have dealt with some of the most gruesome crimes, mass atrocities continue to be committed in other parts of the world, and impunity continues to prevail. The legacy of both Tribunals has taken concrete form in the establishment of a permanent international criminal tribunal — the International Criminal Court (ICC) — which today lies at the heart of the entire criminal justice system of the international community. In that regard, support for the ICC is essential in order to ensure its ability to deliver justice to the numerous victims.

Mr. Li Yongsheng (China) (*spoke in Chinese*): At the outset I would like to thank President Meron, Prosecutor Brammertz, President Joensen and Prosecutor Jallow for their briefings on the work of the two Tribunals and the International Residual Mechanism for Criminal Tribunals.

During the reporting period the two tribunals have continued to overcome various difficulties, such as the retention of staff, and have taken various steps to advance their work. The International Tribunal for the Former Yugoslavia (ICTY) delivered judgements on two appeal cases, and the International Criminal Tribunal for Rwanda just heard oral arguments in the last appeal case. The Residual Mechanism is up and running, having delivered its first judgment. China acknowledges the results of those efforts but notes, at the same time, that, for various reasons, the ICTY has once again deferred the judgment delivery dates for certain cases.

With regard to the work of the two Tribunals and the Mechanism, I would like to put forward the following views. First, concerning the progress of the work of the two Tribunals, both are organs of international criminal justice established by the Council and in which the international community places its hopes for judicial justice. However, justice delayed is justice denied. The repeated delay in the work is not in line with the hopes of the Council and the regional countries. It is estimated that the ICTR will conclude its work by the end of 2015 and the ICTY by 2017. China hopes that, while ensuring judicial justice, the two Tribunals will organize their work properly, fully utilize available resources, improve judicial efficiency, expedite their work so as to avoid further delays and complete their work in 2015 and 2017, respectively.

Secondly, regarding cooperation with States, cooperation with States is crucial to the effective functioning of the two Tribunals and the Residual Mechanism. The arrest and transfer of fugitives, the collection of evidence and the enforcement of judgements are not possible without the cooperation of countries, especially those within the region. China has noted with appreciation that the Prosecutors of the two Tribunals and the Mechanism have expressed satisfaction with the cooperation received from Serbia, Croatia, Bosnia and Herzegovina, and Rwanda.

At present, the ICTR and the Mechanism face two challenges. One is the relocation of persons released and acquitted, and the second is the fact that nine of the indicted persons still remain at large. China appreciates the steps taken by the ICTR and the Mechanism to seek relocation for those released and acquitted. At the same time, we call on the countries concerned to demonstrate the political will to render further help to the ICTR and the Mechanism. On that issue, the ICTR and the Mechanism should also listen to the views of Rwanda and other countries. On the question of the tracking of fugitives, we hope that the ICTR, the Mechanism and the regional countries will devote more resources and enhance information-sharing, so as to arrest those criminals at an early date.

Thirdly, with regard to the transition to the Residual Mechanism, the ICTR and the ICTR branches of the Mechanism started their work in July 2012 and July 2013, respectively. At present, the ICTR's transition to the Mechanism is close to completion and the transition of the ICTY is progressing well. We hope that the two Tribunals will organize their work properly and enhance communication and coordination with the Mechanism in order to ensure the successful completion of the transition. In addition, before the final conclusion of their work, the two Tribunals should sum up lessons learned so as to assist the international community in combating impunity and in addressing the relationship between the maintenance of regional peace, the achievement of national reconciliation and the pursuit of judicial justice.

In conclusion, I would like to thank Chile, as the Chair of the Working Group on the International Tribunals, and the United Nations Office of Legal Affairs for their work.

The President: I shall now make a statement in my capacity as the representative of Malaysia.

I wish to express my appreciation to Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals; Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (ICTR); Mr. Serge Brammertz, Prosecutor of the ICTY; and Mr. Hassan Bubacar Jallow, Prosecutor of the ICTR, for their reports.

More than 20 years ago, the world was shocked and horrified by reports regarding violations of international humanitarian law and the commission of atrocities such as war crimes, genocide and crimes against humanity in the former Yugoslavia and Rwanda. The establishment of the respective International Criminal Tribunals — namely, the ICTY and the ICTR — was the international community's firm response aimed at ensuring that the perpetrators of such atrocities would be held accountable for their acts.

As was the case last year, when we marked the twentieth anniversary of the Rwandan genocide, we are mindful that this year will mark the twentieth anniversary of the Srebrenica genocide. The anniversary serves as a recognition of the suffering of the victims and their families, and also as a painful reminder to all of us of our responsibility to ensure that such atrocities should not be repeated. We need to send a strong and unequivocal message that impunity will not be tolerated or allowed to stand.

Malaysia remains resolute that the perpetrators of such crimes must and will be brought to justice and that they will be held accountable. However painful that may be, we also believe that it is part of the healing, truth and reconciliation process that communities and States must undergo in order to seek and uphold justice. In that regard, Malaysia highly values and underscores its support for the work of the ICTY and the ICTR in upholding the rule of law and justice. We deeply acknowledge their contributions to the international justice system and to international peace and security and the rule of law.

Concerning the implementation of the completion strategy, we note the commitments made by their respective Presidents to ensuring that both Tribunals are on track to meet their respective completion deadlines, namely the end of this year for the ICTR and 2017 for the ICTY. We acknowledge the efforts that the Presidents of both Tribunals have undertaken to ensure the efficient transfer and transition of cases to the

Mechanism or to the national courts, where relevant. With respect to the ICTR, we note that its judicial and prosecutorial functions have already been handed over to the Residual Mechanism. The only pending case is the *Butare* appeal. Of the nine remaining fugitives, six will be referred to Rwanda, while the Residual Mechanism will try the remaining three top-priority fugitives. We highly encourage all States to extend their fullest cooperation to the ICTR so as to ensure the apprehension of all nine remaining fugitives.

With respect to the ICTY, we note that several factors, including the health of the accused, which has affected their ability to stand trial, as well as high staff attrition rates have resulted in requests for extensions of its mandate. We are especially mindful of the continuing risk that justice may be denied due to the medical conditions of several of the accused, which may prevent the completion of their trials and the determination of their guilt or innocence. While such consequences would be unfortunate, we believe that the factors involved were unavoidable and unintended. In that regard, we commend the President of the ICTY for taking the initiative to recruit personnel to fill existing staffing gaps in order to expedite the completion of cases.

We also acknowledge the Tribunals' continuing efforts to ensure that the lessons learned in managing the judicial, prosecutorial and administrative functions of an international tribunal are shared with other international and national jurisdictions and the public. It is important to encourage the sharing of best practices and lessons learned, for example by holding workshops with the participation of legal officers from the various international tribunals.

We are encouraged to see the relatively smooth transition of the two Tribunals to the Residual Mechanism, as demonstrated by the transfer of some judicial and administrative functions. We are confident that the Tribunals will carry out their work efficiently in accordance with the Security Council's resolutions.

We further wish to highly commend the cooperation of the States concerned and regional States with the Tribunals. It would not have been possible for the ICTR and ICTY to fulfil their obligations and mandate without the full cooperation of the respective States.

In conclusion, while we understand the concern at the delays in meeting the previous completion deadlines, we also understand the need to exercise

some flexibility in this regard. We are assured of the commitment shown by the Presidents and Prosecutors of the Tribunals in carrying out their obligations and to meet their respective deadlines.

I now resume my functions as President of the Council.

I now give the floor to the representative of Bosnia and Herzegovina.

Ms. Čolaković (Bosnia and Herzegovina): First of all, my delegation wishes the Malaysian delegation a very successful presidency of the Security Council for this month. I am sure it will head our work in the very best way possible.

At the outset, I would like to thank the Presidents and Prosecutors of both Tribunals and the International Residual Mechanism for Criminal Tribunals for their reports (S/2015/340, S/2015/341 and S/2015/342) and for today's informative briefings. This year we will celebrate the seventieth anniversary of the United Nations, mark 70 years since the Holocaust and 10 years since the establishment of the responsibility to protect, and remember the twentieth anniversary of the Srebrenica genocide.

A little over 20 years ago, the Security Council established the International Tribunal for the Former Yugoslavia (ICTY), which was the first war crimes court created by the United Nations and the first international war tribunal since the Nuremberg and Tokyo tribunals. Bosnia and Herzegovina has continuously supported the work of the ICTY and the ICTR and the contribution of the Tribunals to international criminal law, the rule of law and justice.

We emphasize the importance of the successful completion of the work of the ICTY. The Tribunal's achievement will serve as a reminder to future generations that there is no impunity for genocide, crimes against humanity or violations of the laws or customs of war, with the hope that such crimes will be prevented in future. At the same time, we are concerned that the successful completion of the Tribunal's mandate is being jeopardized by the health conditions of several detainees as well as by Tribunal staff attrition. The current situation is causing significant delays in the judicial proceedings.

Furthermore, we are deeply concerned about the possibility that years-long judicial proceedings could end without final judgements having been passed. We

once again stress the importance of fair and expeditious judicial proceedings. Therefore, we encourage the ICTY to undertake all possible measures to implement the best judicial praxis in order to avoid further delays. The victims and their families have waited long enough.

We underline the vital role of justice in the building of sustainable peace in post-conflict societies. In this regard, regional cooperation remains essential to the process of reconciliation within the country as well as the region as a whole.

Bosnia and Herzegovina signed the protocols on cooperation in the prosecution of war crimes with neighbouring countries, with the intention of intensifying cooperation in the investigation of war crimes and the protection of witnesses. Valuable results have been achieved. In March, the prosecutors of Bosnia and Herzegovina and Serbia cooperated in the arrests of eight persons accused of carrying out killings in Srebrenica in 1995.

The cooperation of witnesses, particularly victim-witnesses, is crucial to successful war crimes prosecutions, not only before the ICTY but also before the courts in Bosnia and Herzegovina. Victim-witnesses often testify about very traumatic events. During their testimony, they frequently relive their traumas repeatedly. Furthermore, the same victim-witness might often testify in different processes against different persons accused of war crimes. We underline that all who deal with victim-witnesses should have a high degree of sensitivity for them and should treat them with humanity and respect for their dignity and human rights.

The authorities of Bosnia and Herzegovina have continued fully to cooperate with the ICTY during the reporting period, particularly in terms of allowing access to documents and archives and in witness-protection matters. We have continuously increased our level of cooperation with the ICTY and will continue to do so with the Mechanism.

Our commitment to exercise our obligation to investigate and prosecute persons responsible for war crimes remains unquestionable. Bosnia and Herzegovina continues to strengthen the national justice system at all levels so as to create the legal and political framework necessary to bring to justice persons responsible for the most serious crimes. We welcome the support of the European Union in the strengthening of the capacity of the judicial system in my country as well as in the

achievement of the goals of the national strategy for war crimes processing.

The tracing of missing persons, exhumation and the exchange of information about the victims have constituted a valuable part of the cooperation between Bosnia and Herzegovina and the ICTY. After the war, Bosnia and Herzegovina had the largest number of missing persons compared with other countries in the region. Around two thirds of the estimated 30,000 missing persons have been found and identified; we still have about 8,000 missing persons.

The trilateral meeting of the Chief Prosecutors of Bosnia and Herzegovina, Serbia and Croatia held in February this year is a step in the right direction to strengthen regional cooperation in the process of the tracing and identification of missing persons. This meeting was organized with the support of the United Nations Development Programme mission to Bosnia and Herzegovina, and we would like to thank all of those who helped the families of missing persons obtain information about their missing relatives.

We welcome the progress made in the establishment of information and documentation centres in Sarajevo and Srebrenica to provide public access to copies of public records of the archives of the ICTY and the Mechanism. The centres have a deeply symbolic significance in terms of serving as a constant reminder to future generations that violations of human rights and international humanitarian law should never be repeated. We would like to encourage other countries as well as organizations and non-governmental organizations to support the project. The legacy of the ICTY does not belong only to the countries concerned but to all of humankind as a reminder of and testimony to the fight against impunity.

Finally, we would like to emphasize that if the Council is committed to ensuring that the victims and survivors of the tragedies in the former Yugoslavia and Rwanda get the justice they deserve, it must continue to provide all the support that the Tribunals and the Residual Mechanism need to enable them to complete their work and conclude this important chapter in international criminal justice, which will leave a lasting and vital legacy.

The President: I now give the floor to the representative of Croatia.

Mr. Drobnyak (Croatia): I would like to welcome the Presidents of the International Tribunal for the

former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), Judges Meron and Joensen, as well as Prosecutors Brammertz and Jallow. We commend their work and continued efforts to ensure accountability and promote international criminal justice, and we thank them for today's briefings and their comprehensive reports.

Those reports, though they register progress, also testify to the fact that international justice can be a frustratingly slow and incomprehensible process. It is certainly so for many of the victims and their families, who are still waiting for justice to be done. It is beyond their understanding that, 22 years after the establishment of the ICTY and 20 since the end of the wars in Croatia and Bosnia and Herzegovina, some of those with the greatest responsibility for the heinous crimes committed during those wars, including the genocide in Srebrenica, have yet to receive their long-overdue sentences.

The trials have frequently been prolonged due to the ill health of the accused. Such has been the case with Goran Hadžić, charged with war crimes against Croats and other non-Serbs in Croatia and whose trial has been suspended since October 2014 owing to his ill health. A few days ago he was again granted a provisional release on account of his health. In that particular context, the case of Slobodan Milošević comes to mind. Although he masterminded the terrible events in the former Yugoslavia and was responsible for so much human suffering, his trial lasted so long that he died before a verdict could be rendered. We encourage the Tribunal to take all appropriate and necessary steps to ensure that Goran Hadžić's trial recommences as soon as possible and is duly completed and brought to its final judicial conclusion. It is also extremely important that the judgements in the Tribunal's two other pivotal cases — those of Ratko Mladić and Radovan Karadžić — be delayed no further. We are of the opinion that the Tribunal has sufficient resources to accomplish that.

I would like to reiterate once again that in our view a speedy trial resulting in a court decision, whether a conviction or an acquittal, represents not only one of the most essential rights of the accused but an equally essential right of the victim. The trial of Vojislav Šešelj, indicted in 2003 for war crimes, crimes against humanity and making inflammatory speeches fomenting hatred, has been anything but speedy and efficient. In my statement to the Council six months

ago (see S/PV.7332), I drew the Security Council's attention to the Šešelj case and the detrimental effect of the Tribunal's decision to allow his temporary release on humanitarian grounds. We therefore heartily commend Prosecutor Brammertz's efforts to revoke his provisional release and welcome the Appeals Chamber's decision of 30 March ordering the Trial Chamber to act on that immediately.

We note with displeasure, however, that the Appeals Chamber's decision has not yet been carried out; we expect the request for Šešelj's return to custody to be respected and implemented. It seems that the Tribunal has intensified its efforts in that regard, and we hope to see concrete results soon. In recent months, we have again witnessed Vojislav Šešelj's warmongering hate speeches, his public burning of the Croatian flag and his appalling mockery of victims. That toxic public display was paired with the recent incomprehensible decision to rehabilitate Šešelj's infamous ideological predecessor, a notorious war criminal in the Second World War.

The recognition of victims' suffering is an important prerequisite for reconciliation, and we share the view that reconciliation begins with the acceptance of established facts. Revisionism and the denial of crimes, including genocide, are unacceptable. The upcoming commemoration of the genocide in Srebrenica, as well as the commemoration later this year of the atrocities committed in Vukovar and elsewhere, is indeed an opportunity to send a clear message in that regard.

Croatia has used its comprehensive negotiations over its accession to the European Union (EU), now successfully crowned with Croatia's membership of the EU — we mark our second anniversary on 1 July — to fully develop its capacity for investigating war crime cases and sending them to trial. In view of the possibility of referrals by the ICTY of its proceedings, we expect candidates and potential candidates for the EU from south-eastern Europe to take advantage of the same opportunity and to improve their capacities and performance in that area.

I would like to conclude by reiterating Croatia's continuing and full support of the ICTY, despite any criticism voiced today or on previous occasions. We appreciate the Tribunal's work, which has contributed to ending impunity and advanced both the development and implementation of international criminal law and international humanitarian law, changing the landscape of international justice profoundly. We

would particularly emphasize the contribution of both the ICTY and the ICTR to international jurisprudence on sexual violence.

Croatia hopes to contribute to the fight against impunity for sexual crimes committed during conflicts through our Parliament's recent enactment of a law on the rights of victims of sexual violence. Under the law, Croatian citizens, women and men alike, who were victims of rape and other forms of sexual violence during the war in our homeland, will be entitled to financial compensation and a permanent monthly allowance, as well as the services and support they need to help them heal after their trauma and rebuild their lives.

In conclusion, although the ICTY has done much, its work is not finished yet. Thousands of victims are still waiting for justice. Justice should be served without any unnecessary delay. For our part, we will continue to support and assist the Tribunal in its efforts to complete its important work.

The President: I now give the floor to the representative of Serbia.

Mr. Obradović (Serbia): It is an honour and a privilege to speak to the Security Council, and to be doing it for the first time only magnifies that. Before making my statement, I would like to welcome the esteemed Presidents and Prosecutors of the International Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and the Residual Mechanism for International Criminal Tribunals, and to thank them for their semi-annual reports.

As a country with a major stake in the ICTY's proceedings, Serbia has followed the Tribunal's activities related to implementing its completion strategy and transitioning smoothly to the Residual Mechanism with great attention and interest. We have taken note of all the important elements of the report of the ICTY President (S/2015/342, annex I) and that of its Prosecutor, and we appreciate the acknowledgement of Serbia's important role in ensuring the successful completion of the Tribunal's remaining trials and appeals, as reported by the Office of the Prosecutor. The ICTY has, no doubt, made important pioneering efforts in establishing and further developing the standards of international criminal law, combating impunity and attempting to bring a sense of justice to the victims of obnoxious atrocities. That task has not been not easy.

Over the past 15 years, Serbia has made a significant contribution to those endeavours. It has

executed ICTY arrest warrants, including those against its highest State and Government officials, to an extent and in numbers never requested from any other United Nations Member State either before or after the establishment of the ICTY. It has provided reams of evidence, including strictly confidential documents and testimony of its highest officials to the ICTY and judicial parties. Serbia has, moreover, achieved a level of execution of requests for assistance issued by the ICTY Trial Chambers and Prosecution that is much more expeditious than the procedure between any two European countries under bilateral treaties on mutual assistance in criminal matters. That task — the task of State cooperation — has not been easy either.

Nevertheless, the ICTY has rendered some controversial decisions. In particular, we note with dissatisfaction that in almost all major cases in which the victims have been groups or individuals of Serb ethnicity, the accused have been acquitted. Nevertheless, the Government of the Republic of Serbia has never stopped cooperating and has continued to fulfil its international obligations in good faith. I can assure the Council that this approach will be maintained and that the Government of my country will exert its best efforts to create a social milieu in which the legacy of the Tribunal will be assessed objectively. Surely, time will help too, as Mr. Brammertz suggested in his statement to the Council at its previous meeting.

In its position on war crimes perpetrated in the 1990s, Serbia is not confined solely to the process of cooperation with the ICTY. These crimes are investigated and tried in my country, as reported and welcomed by the Prosecutor. Going forward in addressing those crimes, an action plan in line with the European Union negotiating framework, on which we reported in November 2014, is in the final stage of preparation, while the Ministry of Justice has set up a working group to draft an overarching national strategy on war crimes, including many aspects of post-conflict justice. That will be done in cooperation with independent international experts, including the Office of the ICTY Prosecutor, the International Commission for Missing Persons and other relevant stakeholders. All along, the Serbian judicial organs have continued to investigate and prosecute war crimes.

So far, the Serbian War Crimes Prosecutor has indicted 175 individuals, of whom 68 have been convicted and 32 acquitted. Another 51 accused persons are currently on trial in 16 cases. In addition,

4 cases against 14 individuals are on appeal. The data on the ethnic affiliations of the accused that I have submitted to the Council for perusal and information are illustrative of my country's justice blindness in the field of ethnicity. Out of 175 accused individuals, 2 are Bosniacs, 2 ethnic Croats, one of whom is from Croatia and the other from Bosnia and Herzegovina, 22 are Albanians, of whom 17 have recently been acquitted, and 149 are ethnic Serbs. The trials in those cases are closely monitored by the Organization for Security and Cooperation in Europe (OSCE) mission in Belgrade and several domestic non-governmental organizations, and the rulings by Serbia in these cases have never been second-guessed as biased or unfair to defendants of non-Serbian nationality or ethnic origin.

However, we are also well aware that some aspects of the relevant domestic procedures need improvement. We have therefore read the Prosecutor's report carefully and thank Prosecutor Brammertz and his hard-working team for their continued assistance and monitoring activities. In that context, I would like to draw the Council's attention to a glaring and hardly comprehensible absurdity. When the ICTY Prosecutor reports to the Council that

"Serbian judicial authorities [would] need to process a large number of war crimes cases that [would] predominantly, but not exclusively, involve Serbian nationals" (S/2015/342, annex II, para. 52),

one European Union Member State called for the cessation or limitation of the jurisdiction of the Serbian judiciary for war crimes. And an action to that effect has been brought before the European Parliament, contrary to the main objectives of contemporary international criminal law.

Our 2003 Law provides for Serbia's jurisdiction over the whole territory of the former Yugoslavia, regardless of the citizenship of perpetrators or victims. That provision was necessitated by the fact that, even though the territory of Serbia was not engulfed by the armed conflicts of 1991-1995, some among the refugees who sought and found shelter in Serbia did commit war crimes. The Serbian War Crimes Prosecutor has rarely had an opportunity to prosecute the citizens of other countries. There are no war crime trials in absentia in Serbia. Only those nationals of other countries found on Serbian territory and against whom no charges have been brought in their countries are tried before the Serbian War Crimes Chamber. Finally, the February 2015 report of the OSCE mission to Serbia confirms that

the exercise of jurisdiction in the case of one Croatian citizen before the Serbian court is in accordance with both the customary rules of international law and with Serbian domestic law.

Yet, action continues to be taken in the European Parliament. The new argument, proffered in a letter to the Parliament dated 27 May, calls — in a pretty cavalier manner, I might add — for the primacy of the principle of the legal certainty of European citizens over the war crimes prosecution that they may be subjected to in Serbia. My Government is all for the legal certainty of those citizens; yet, in the context of certainty, they must be certain that there will be no impunity for the crimes they have committed. War crimes, crimes against humanity and the crime of genocide are never under the exclusive jurisdiction of the State on whose territory they were committed. *Delicta contra ius gentium* — they are recognized as a concern of the international community as a whole.

All countries created from the former Yugoslavia have an obligation to investigate and prosecute those who committed atrocities without discrimination on the basis of the national or ethnic origin of either the perpetrator or the victim. In that context, the serious crimes of murder, inhuman acts and cruel treatment committed by Croatian Government forces against citizens of Serb ethnicity during Operation Storm in 1995 were recognized in the Judgment of the International Court of Justice of 3 February. So far, however, Croatia has had only one final conviction for the war crime of murder committed during that Operation. That sad fact should be taken into account by the European Parliament, as well as by the Council. Accordingly, further improvement of regional cooperation on war crimes issues and the full implementation of bilateral agreements, as requested in the Prosecutor's report, are a condition *sine qua non* for regional peace, stability and reconciliation.

With your permission, Sir, I shall now address the case of the Hague defendant Vojislav Šešelj. Serbia joins all those frustrated by the long and ineffective trial. We understand the emotions of the victims of the crimes of which defendant Šešelj, the politician, has been accused. We condemn those crimes, regret that they were committed and sympathize profoundly with the victims and their families. However, the criminal responsibility of the Serbian national has not yet been determined, and the presumption of innocence in his case must be fully respected. The Serbian

Government is concerned about many aspects of this odd case, particularly with regard to the respect for the defendant's rights.

Vojislav Šešelj surrendered to the Tribunal voluntarily in February 2003, a week after the indictment against him was publicly issued. He waited in detention for the commencement of the trial for over four years. He never made a request to the Trial Chamber for a provisional release and declared his unwillingness to accept the guarantees of the Government regarding such a procedural treatment. His trial has been characterized by many procedural dilemmas and general disorder. The accused opted for self-representation. He had an ongoing conflict with the organs of the Tribunal, which culminated in a long hunger strike, during which his life was in danger. He was convicted of contempt of court three times. Finally, he refused to run the defence case. The trial was closed on 20 March 2012, nine years after his voluntary surrender. More than three years later, he is still waiting for the trial judgement — a situation without precedent in modern case law. If such a situation appeared before a Serbian court, one can only imagine the hue and cry that would be raised in the European Court for Human Rights over the disrespect of the rights of the accused.

In November 2014, at the time of defendant Šešelj's first provisional release, which was *proprio motu*, for humanitarian reasons and without any specific duties assigned to the Serbian Government, the Security Council discussed the unacceptable political statements he had made. My Government does not share Vojislav Šešelj's political ideas and repudiates his statements, but it does urge the Tribunal to conclude his case. The seriousness of the accusations cannot undermine respect for the human rights of the defendant. I call on the members of the Security Council to pay attention also to the human rights aspect of this case, and not only to the unacceptable political statements made by the defendant, which are, incidentally, targeted more often than not at the democratically elected Government of Serbia and its pro-European orientation.

I would like to reiterate my country's interest in the future dialogue on questions related to the ICTY archives. Also, we reaffirm our previous humanitarian request with respect to the enforcement of sentences and the possibility that convicted persons could serve their sentences in Serbia as well, under international monitoring.

Instead of a conclusion, I take this opportunity to commend all the hard-working officials and staff of the Tribunals and the Residual Mechanism for the relentless efforts they continue to invest despite all the challenges and lack of resources they face. They can always count on the full and unstinting support of the Serbian Government.

The President: I give the floor to the representative of Rwanda.

Mr. Maboneza (Rwanda): At the outset, let me congratulate you, Sir, on Malaysia's assumption of the presidency of the Security Council for the month of June. Let me also congratulate the delegation of Lithuania on the excellent work done during their presidency in the month of May. I thank Judges Meron and Joensen and Prosecutors Jallow and Brammetz for their respective briefings.

The world commemorated the twentieth anniversary of the genocide against the Tutsi in Rwanda last year, in April 2014, and marked the twentieth anniversary of the establishment of the International Criminal Tribunal for Rwanda (ICTR) in November of the same year. As the Tribunal is winding down, we express our belief that the ICTR has played an important role in the fight against impunity for mass atrocities, but also produced a substantial body of jurisprudence, including definitions of the crime of genocide, crimes against humanity, war crimes and forms of responsibility, such as superior responsibility. Most importantly, the Tribunal established that the genocide that occurred in Rwanda was against the Tutsi as a group, and also ruled that acts of rape and sexual violence constitute genocide if committed with the intent to destroy the targeted group.

We note with satisfaction that, since the unanimous adoption of resolution 2150 (2014) of 16 April 2014 on the prevention and fight against genocide, reports on the completion strategy of the ICTR use the correct terminology, consistent with the ongoing jurisprudence of the Tribunal, which refers to the specific ethnic group that was the target of the genocide in Rwanda. Indeed, as we have said and repeated in this Chamber, the expressions "Rwandan genocide" and "genocide in Rwanda", used by many of those around this table, are unfortunately misused by deniers of all kinds to try to confuse the Council and the whole world as to which group was targeted by the genocide.

As we look forward to the conclusion of the *Butare* case by the Appeals Chamber, which was unnecessarily delayed, we note that the 93 individuals indicted for genocide were mainly the masterminds of that crime, as well as national and local leaders who were out of reach of Rwandan justice, as they were international fugitives. We regret, however, that nine fugitives are still at large and reiterate our call to Member States, especially those in our region, to collaborate in arresting all remaining genocide fugitives, as per resolution 2150 (2014).

It is worth noting that those fugitives include the tycoon Félicien Kabuga, whose son-in-law, Paulin Murayi, is financially supporting the Forces démocratiques de libération du Rwanda, a movement that spread genocide ideology and engaged in related activities in eastern Democratic Republic of the Congo. Given the material evidence recently unveiled by the Group of Experts on the Democratic Republic of the Congo, we hope that his name, as well as others, will soon be included on the United Nations list of sanctions, as requested by my country.

Regarding the monitoring of the four cases referred to national courts, we regret that the report under review (S/2015/340, enclosure) and the oral statements that were made this afternoon do not provide enough detail on the status of those cases. While the procedures of two cases referred to Rwanda in 2012 and 2013 are well advanced, we are extremely concerned at the delays encountered in the investigations into the two cases referred to France in 2007, which are those of Wenceslas Munyeshyaka and Laurent Bucyibaruta. We call on the

French authorities to expedite the investigations and proceedings in both cases.

Rwanda has, on many occasions, expressed its view that the ICTR archives, although the property of the United Nations, should be located to Rwanda upon completion of the mandate of the International Residual Mechanism for Criminal Tribunals. Indeed, the ICTR records constitute an integral part of Rwandan history, are vital to the preservation of the memory of the genocide and will play a critical role in preserving current and future generations from genocide denial and revisionism. We hope that all stakeholders will understand our request and act accordingly.

I will conclude by recalling that this year is the twentieth anniversary of the genocide in Srebrenica. Like the genocide against the Tutsi in Rwanda, efforts to address the genocide in Srebrenica have faced similar problems, mainly related to delayed justice and the scourge of genocide denial. Nonetheless, we commend the International Criminal Tribunal for the Former Yugoslavia, the ICTR and the International Residual Mechanism for Criminal Tribunals for their continued efforts for justice and accountability for genocide and mass atrocities, and we hope that all legal proceedings will be completed very soon to enable the affected victims to turn the page on that dark period of their history.

The President: There are no more names inscribed on the list of speakers.

The meeting rose at 6 p.m.